

NEWPORT MERCURY.

Printed and published by L. ROUSMANIERE & Wm. BARBER, opposite the BRICK-MARKET.

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SATURDAY, JANUARY 13, 1810.

[Vol. 49.—No. 2492.]

MR. DANA'S SPEECH,

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, DEC. 19, ON THE RESOLUTION FROM THE SENATE, APPROVING THE CONDUCT OF THE EXECUTIVE IN THE RUPTURE WITH MR. JACKSON, THE BRITISH MINISTER.

(Concluded from the last MERCURY.)

THUS far, sir, I have considered the resolution before us as not warranted by the official language of the President of the United States and the Secretary of State. In addition to what has already been observed with this view, it is to be noted, that the President in his message to Congress, has not even mentioned Mr. Jackson's circular letter to the British consuls. This letter, indeed, and its being put into circulation, are noticed, but not with laborious hardness of phrase, in the letter of the 3d of November, from Secretary Smith to Mr. Pinkney. But the President of the United States did not regard the subject as worthy to be named by him when giving to Congress information of the state of the union and recommending the measures necessary and expedient.

The President's message to the Secretary's letter appear expressive of a disposition to use language which should not in any manner be offensive to the British government itself, and to suspend proceedings of an hostile character until an answer may be received from that government. This resolution appears to be formed on directly opposite principles. What, Sir, can Congress, can any men think it necessary to say that they will support the President in refusing to receive a communication from a foreign minister; or, that they will support him in withholding the whole force of the nation in so refusing? You do not expect the minister to force a communication on the President. This is too absurd and cannot be the real meaning of the resolution. The only main idea intended to be conveyed by the resolution in this respect may be, that the Congress mean to support the President in a conflict with the British government eventually. Why, sir, is such language at the present time proposed for adoption, as if it were either necessary or expedient? The British government perhaps may not be perfectly satisfied with the conduct of this administration towards the minister from Great-Britain to the United States and yet it might be tho't proper to recall him; because unacceptable to the President of the United States, because the President has requested his recall, and because under existing circumstances the further continuance of such a minister in this country might not be useful to the government that sent him. Do you wish to place the affair in such a state as to render it peculiarly difficult for the British government to recall him, except in prelude to war?

Do you approve the procedure of the President in causing application to be made by the Secretary of State in a style of guarded decorum, instructing the American minister at London to request the recall of the British minister who has been here received, and will you find a menace to accompany the request? In this view what is the proposed resolution, if it be any thing? What is meant by a solemn pledge to the world for calling into action the whole force of a nation, eventually, against a foreign power. If language has certainly of meaning, it is a provisional defiance of war, solemnly made known to the world—a national challenge to battle. Have you weighed fully all that is implied in this defiance of war? Are you prepared to sustain it fully by all your means? Or can you say that you do not intend this? Is it possible that the representatives of the people of the United States can solemnly announce to the world a pledge to call into action the whole force of the nation, and yet that it can be all idle words? That in fact they intend to do no such thing as they promise? Are we indeed prepared to pronounce ourselves fallen thus low?

Considering gentlemen as serious in announcing this pledge to the world, and giving this national defiance to war, I ask what is to be the result of the conflict if we are not prepared for it, and how far are we prepared? This enquiry suggests an attention to the resolution under two different aspects, as we know the relations of Executive departments to be affected or varied according to views of peace or war. On questions of great national controversy, the department of state has in charge to attend to those gratifying themes, the rights, the honor and dignity of the nation and government. And these themes may be presented the more for public attention as the state of affairs becomes hostile until their most imposing influence over the public passions is recalled amidst the operations of declared war. In a state of peace, the department of the Treasury may attract regard from redundancy of revenue and extinction of debt, and projects of improvement. But the frown of war reverses the scene. On this department is now devolved the task of devising ways and means

for supplying extraordinary expenditure or waste. The ungrateful subjects of attention are the exhaustion of the treasury—loans—taxation—the option of difficulties in procuring money—the choice between different modes of imposing pecuniary burdens on the people. If this resolution be pursued according to its import, additional charges on the people must be required. To give eclat to the department of State, can you be willing to embarrass the department of the treasury?

There is another reason why we should be cautious. Can it be expedient for the public to make experiments tending to waste the national character? More than two years have elapsed since an introductory proclamation was fulminated from the palace against the British navy. A squadron concerned in committing the offence mentioned in the proclamation, was suffered to remain for several months within the waters of the United States in open defiance of the executive interdiction and the exclusive right of territorial jurisdiction. There that squadron was suffered to remain, although the power given to the President by statute, I believe, extended to employing the military and naval forces of the United States and the militia at the President's discretion to compel respect to his proclamation. The offending squadron was suffered to remain there, notwithstanding the number, which the government had, of those highly recommended aquatic-terrene vehicles denominated gun-boats. The indignity then was greater than is to be found in the subject of this resolution. Yet the government did not then assert the paramount right of territorial sovereignty with effect. With such experiences, what honor, what utility is to be expected from passing this resolution now? What is to be expected but irritation without benefit, embarrassment without extrication? When they attend to your measures, will foreign powers believe that such a resolution proves your title to respect?

A further reason against the resolution is founded on the conduct of the President of the United States; it is the consideration, that he has not ordered the British minister Mr. Jackson, to depart from this country. Until that order is given, no such resolution as the present ought to be passed. The extraordinary spectacle is now exhibited of a minister accredited from a foreign government, who is denied the eminent, direct privilege of the diplomatic character, the privilege of communicating with the government to which he is sent, and yet is to enjoy the immunities which are auxiliary to the exercise of diplomatic functions. The case is novel in the proceedings of this country. It is so extraordinary that the official publication of the refusal to receive communications from him might have been considered as a disavowal by the administration of his diplomatic character, and consequently as a deprivation of his characteristic immunities, had not a certificate of special safeguard to the contrary been given by the administration. The case is clearly different from that of the Spanish minister, who, I believe, was admitted to have written communication with the administration; but was admonished by authority from the President not to appear in the city of Washington, who refused however to obey the admonition, but was suffered to come and remain, according to his avowed determination, within this extensive city, as he might find convenient, or for the interest of the King his master.

These are some of the reasons for which, although it were supposed correct in statement of facts, I am not prepared to vote in favour of the resolution on the table.

It is a consideration of a different nature, that the phraseology of the resolution tends to draw aside the attention by placing it on a basis which is objectionable as being incorrect, not as in point of fact, but of principle. This, sir, leads me to consider the litigated subject of the powers of Mr. Erskine to negotiate and conclude the provisional arrangement of the last April. On this subject, I leave at once the greater part of the discussion between the Secretary of State and Mr. Jackson, as not distinctly exhibiting the specific character of the question. I consider a public minister not authorized in virtue of a general letter of credence to stipulate any one thing to be done on the part of his government. If I understand the course of argument on the part of the Secretary of State, it seems to assume as a basis, that a public minister here accredited is entitled to stipulate for his government in virtue of his letter of credence without further authority, or at least that the government here should regard the minister in virtue of his letter of credence as authorized to conclude such stipulations so as to be obligatory on the government giving the letter of credence. This I do not omit to be correct, either in principle or usage.

Permit me, sir, to call upon gentlemen to recur to the time when the public law of Christendom in relation to diplomatic intercourse may be considered as assuming regularity of character. I request gentlemen to recur with me to the epoch of the treaty of Westphalia. The great work of the learned Grotius on war and peace first reduced to general system, the body of public law in Europe. He was one of the great masters in science who have ap-

peared formed to rise above contemporary competitors in their respective spheres, and acknowledged beyond dispute to be greater than those preceding or succeeding them. As such he was first made known with distinguishing honour by Gustavus Adolphus of Sweden, one of the greatest men and heroes of his age or of the world. The work of Grotius was published in the year 1625; and the treaty of Westphalia was concluded in the year 1648, consisting of a treaty concluded at Munster and another at Osnaburg within the circle of Westphalia, and both signed on the same day, being the result of a Congress composed of ambassadors, plenipotentiaries, ministers, delegates, commissioners, deputies, indeed almost if not completely, every grade or description of governmental representation known in the whole Christian world. The conclusion of the treaty put an end to conferences which had long holden Europe in suspense, and terminated the famous 30 years war. Never before or since, I presume, were so many diplomatic characters assembled for negotiation or mediation, and such and so various interests to be arranged at one time by treaty. The great interests of the Catholic and Reformed Religions in Europe, the emperor, the electors, princes and states of the Germanic body, France, Sweden, the States-General, with the respective allies all were concerned. Prussia was not then erected into a kingdom, and Russia had not taken rank under the great Peter, among the civilized powers of Europe. From the nature of the affairs and the great number of public men from different portions of Europe, the famous Congress in Westphalia, after the publication of Grotius had attained high distinction, served to make known and establish extensively the principles constituting the public rules of intercourse among the governments of the Christian world.

We are now called upon to pronounce respecting a question depending on those rules of intercourse as recognized and illustrated by national usage. What is the principle that protects and sustains in full immunity the ministers of the United States in Britain, in France, in Russia, or in any part of the civilized world? It is the respect due to those rules, a respect which the various governments, of whatever form, have concurred in manifesting and enforcing. Nor can we claim to hold a course in diplomacy incompatible with such national usage, unless we strike ourselves out of the general pale of Christendom.

This question, therefore, is to be considered not merely as an abstract discussion; but we have now to inquire, what is a letter of credence according to the public law and diplomatic usage of Europe? Is it an authority for stipulating any thing to be done on the part of the government sending the minister? If it be, I request to know the proof. According to my apprehension, it is not; and I desire gentlemen to enlighten me on this point, if I err. If this opinion be erroneous, I should hope it might be made evident with respect to myself, that I may not continue in error. From whatever source there can be derived any aid to ascertain the true principle, if gentlemen honoured by especial confidence respecting affairs of state, if any of the law-officers or even members of the cabinet, would be pleased to contribute to the stock of legislative information, I solicit the correction of any error, if indeed I err, on this topic.

With these sentiments, I do not propound for discussion any question respecting the negative knowledge of the administration. I do not inquire, whether the Executive administration of the United States had a knowledge that Mr. Erskine had not competent powers, or had a knowledge that he was not instructed to accede to the provisional arrangement between him and the administration in April. The question is, did the administration know that Mr. Erskine had the necessary authority? The question is not, what was the ignorance, but what was the knowledge of administration? Was Mr. Erskine known to have any power for making that arrangement?

Permit me now, Sir, to state what I understand to be a letter of credence. It is a letter of State addressed to the government to which a minister is sent, and it is expressive of the character and grade of diplomacy with which he is invested; if the minister be received, he must be received according to the letter of credence and not otherwise. This is so much the established course, that where a minister remaining at any government is promoted to a higher grade of diplomacy, he presents letters of recall as to the lower grade and of credence as to the higher grade in which he is to be received. The authority which a minister had in virtue of a letter of credence is not to make promises for his government.—He may declare facts; he may present complaints and remonstrances; he may exhibit his powers of argument; he may discuss topics of great interest, but he cannot stipulate for any thing to be done as obligatory on his government. For this purpose, the Minister must have a distinct authority. This I understand to be the general usage, not however without exception. The exception has been made with respect to a nuncio or legation from the Pope, whose letter of credence was so framed as to include the necessary authority to negotiate or conclude arrangements. This authority was added to the necessary clauses of a letter of

credence, and the essentials of two diplomatic documents were comprehended in one. But the mere letter of credence gives no such authority. In support of these positions, I would refer gentlemen to writers on public law whom I presume they will admit to be correct on this topic—Martens, Vattel, Wicquefort; writers of authority certainly as to the known diplomatic usage in Europe. Others perhaps might have been named, if I had found opportunity in this place to consult all the writers worthy of attention.

It may now be proper to state what I consider to be the full power, which expression is almost technically appropriate in diplomatic language. It is a document not addressed to the government, to which a minister is sent. It is in the nature of an open letter, addressed to mankind in general, and committing to the minister bearing it the necessary authority to negotiate and eventually conclude terms of agreement respecting the subject or subjects therein mentioned. It is a public commission expressing the powers to be exercised, a document of ample form, a letter patent, a public act authenticated under the seal of government. And this the minister exhibits in manifestation of his being fully empowered to negotiate and stipulate on the part of his government. The full powers are especially proper in the more solemn agreements, and in cases of formal treaty between independent nations.

Where some temporary stipulation is contemplated, or some particular affair not deemed of primary importance is to be arranged by agreement; if there be a minister already residing with the foreign government, there is not always the same formality with respect to the distinct authority given to the minister. In such case, a patent of full power is not made out in ample form; but the proper officer of State despatches a letter of instruction giving the distinct authority necessary for the proposed negotiation. Yet, whether the minister undertakes to negotiate in virtue of a technical full power, or in virtue of a letter of instruction, it is proper to exhibit his distinct authority before signing any arrangement of stipulations, intended to be mutually obligatory on the respective governments. He may fairly and with perfect propriety be called upon to exhibit such authority in cases where the terms are to be expressly referred to the ratification of his own government. But if the terms of engagement are to be deemed obligatory and acted upon accordingly as soon as signed by the negotiators and no ratification is reserved, it is more peculiarly proper for the negotiating minister to exhibit the official evidence of his authority to enter into stipulations. If he does not exhibit the evidence, it becomes the incumbent duty of the other negotiating party to call for it before the conclusion of any such terms of engagement, or to refuse to conclude the terms until the evidence is exhibited officially and the authority ascertained to be sufficient. In this case, if the distinct authority be not offered or called for and found adequate, there is a mistake and of course a failure in duty on the part of the administration in concluding the engagement; unless indeed the transaction may have been understood at the time as not warranted by regular authority, but expected to be confirmed as an acceptable project. I express myself in these terms, wishing to be strictly decorous in manner and believing the general principle correct.—When an administration enters into engagements or stipulations with a foreign minister, to be immediately executed without any reservation, it is incumbent on the administration to require the official exhibition of the distinct authority of the minister for making the stipulations; and if the terms be concluded by signature and delivery before the authority has been exhibited and ascertained to be adequate, there is a mistake and of course a failure in duty on the part of the administration.

When therefore gentlemen speak of Mr. Erskine's having competent powers to make the provisional arrangement in April, they may be desired to produce the regular evidence of the fact. If the negotiation was conducted according to the course of diplomatic usage and strict propriety, there is the regular evidence of his being authorized to make the arrangement, and it can be produced. If he had a patent of full power, a copy authenticated by the minister or a secretary acting under him, would doubtless be considered proper evidence to be deposited with the archives in manifestation of the authority of the British government to conclude the arrangement. If his authority was contained in any letter or letters of instruction, the authentic copy of such authority would, with the like propriety, be deposited in the Department of State.

The language of a part of the correspondence respecting Mr. Erskine's authority seems to be grounded in mistake. The administration is spoken of as not knowing the restriction of his authority. This language might have been accurate if he had exhibited a full power giving him authority to negotiate and conclude stipulations; because in the case of a full power embracing the whole subject of negotiation, the minister might be restricted in the exercise of his power by orders from his government instructing him

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Considering gentlemen as serious in announcing this pledge to the world, and giving this national defiance to war, I ask what is to be the result of the conflict if we are not prepared for it, and how far are we prepared? This enquiry suggests an attention to the resolution under two different aspects, as we know the relations of Executive departments to be affected or varied according to views of peace or war. On questions of great national controversy, the department of state has in charge to attend to those gratifying themes, the rights, the honor and dignity of the nation and government. And these themes may be presented the more for public attention as the state of affairs becomes hostile until their most imposing influence over the public passions is realized amidst the operations of declared war. In a state of peace, the department of the Treasury may attract regard from redundancy of revenue and extinction of debt, and projects of improvement. But the frown of war reverses the scene. On this department is now devolved the task of devising ways and means

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Permit me, sir, to call upon gentlemen to recur to the time when the public law of Christendom in relation to diplomatic intercourse may be considered as assuming regularity of character. I request gentlemen to recur with me to the epoch of the treaty of Westphalia. The great work of the learned Grotius on war and peace first reduced to general system, the body of public law in Europe. He was one of the great masters in science who have ap-

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Permit me now, Sir, to state what I understand to be a letter of credence. It is a letter of State addressed to the government to which a minister is sent, and it is expressive of the character and grade of diplomacy with which he is invested; if the minister be received, he must be received according to the letter of credence and not otherwise. This is so much the established course, that where a minister remaining at any government is promoted to a higher grade of diplomacy, he presents letters of recall as to the lower grade and of credence as to the higher grade in which he is to be received. The authority which a minister had in virtue of a letter of credence is not to make promises for his government.—He may declare facts; he may present complaints and remonstrances; he may exhibit his powers of argument; he may discuss topics of great interest, but he cannot stipulate for any thing to be done as obligatory on his government. For this purpose, the Minister must have a distinct authority. This I understand to be the general usage, not however without exception. The exception has been made with respect to a nuncio or legation from the Pope, whose letter of credence was so framed as to include the necessary authority to negotiate or conclude arrangements. This authority was added to the necessary clauses of a letter of

credence, and the essentials of two diplomatic documents were comprehended in one. But the mere letter of credence gives no such authority. In support of these positions, I would refer gentlemen to writers on public law whom I presume they will admit to be correct on this topic—Martens, Vattel, Wicquefort; writers of authority certainly as to the known diplomatic usage in Europe. Others perhaps might have been named, if I had found opportunity in this place to consult all the writers worthy of attention.

It may now be proper to state what I consider to be the full power, which expression is almost technically appropriate in diplomatic language. It is a document not addressed to the government, to which a minister is sent. It is in the nature of an open letter, addressed to mankind in general, and committing to the minister bearing it the necessary authority to negotiate and eventually conclude terms of agreement respecting the subject or subjects therein mentioned. It is a public commission expressing the powers to be exercised, a document of ample form, a letter patent, a public act authenticated under the seal of government. And this the minister exhibits in manifestation of his being fully empowered to negotiate and stipulate on the part of his government. The full powers are especially proper in the more solemn agreements, and in cases of formal treaty between independent nations.

Where some temporary stipulation is contemplated, or some particular affair not deemed of primary importance is to be arranged by agreement; if there be a minister already residing with the foreign government, there is not always the same formality with respect to the distinct authority given to the minister. In such case, a patent of full power is not made out in ample form; but the proper officer of State despatches a letter of instruction giving the distinct authority necessary for the proposed negotiation. Yet, whether the minister undertakes to negotiate in virtue of a technical full power, or in virtue of a letter of instruction, it is proper to exhibit his distinct authority before signing any arrangement of stipulations, intended to be mutually obligatory on the respective governments. He may fairly and with perfect propriety be called upon to exhibit such authority in cases where the terms are to be expressly referred for the ratification of his own government. But if the terms of engagement are to be deemed obligatory and acted upon accordingly as soon as signed by the negotiators and no ratification is referred, it is more peculiarly proper for the negotiating minister to exhibit the official evidence of his authority to enter into stipulations. If he does not exhibit the evidence, it becomes the incumbent duty of the other negotiating party to call for it before the conclusion of any such terms of engagement, or to refuse to conclude the terms until the evidence is exhibited officially and the authority ascertained to be sufficient. In this case, if the distinct authority be not offered or called for and found adequate, there is a mistake and of course a failure in duty on the part of the administration in concluding the engagement; unless indeed the transaction may have been understood at the time as not warranted by regular authority, but expected to be confirmed as an acceptable project. I express myself in these terms, wishing to be strictly decorous in manner and believing the general principle correct.—When an administration enters into engagements or stipulations with a foreign minister, to be immediately executed without any reservation, it is incumbent on the administration to require the official exhibition of the distinct authority of the minister for making the stipulations; and if the terms be concluded by signature and delivery before the authority has been exhibited and ascertained to be adequate, there is a mistake and of course a failure in duty on the part of the administration.

When therefore, gentlemen speak of Mr. Erskine's having competent powers to make the provisional arrangement in April, they may be desired to produce the regular evidence of the fact. If the negotiation was conducted according to the course of diplomatic usage and strict propriety, there is the regular evidence of his being authorized to make the arrangement, and it can be produced. If he had a patent of full power, a copy authenticated by the minister or a secretary acting under him, would doubtless be considered proper evidence to be deposited with the archives in manifestation of the authority of the British government to conclude the arrangement. If his authority was contained in any letter or letters of instruction, the authentic copy of such authority would, with the like propriety, be deposited in the Department of State.

The language of a part of the correspondence respecting Mr. Erskine's authority seems to be grounded in mistake. The administration is spoken of as not knowing the restriction of his authority. This language might have been accurate if he had exhibited a full power giving him authority to negotiate and conclude stipulations: Because in the case of a full power embracing the whole subject of negotiation, the minister might be restricted in the exercise of his power by orders from his government instructing him

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In retracing the history of our government, the next authority refers us to the administration of President Jefferson. It is the case of an extraordinary mission comprehending a minister, having the character of plenipotentiary in ordinary. Messrs. Monroe and Pinkney were appointed commissioners extraordinary and plenipotentiaries for negotiating arrangements with the British government; and as such they had letters of credence from the United States. Yet they also had full powers in a commission authorizing them to treat severally as well as jointly. This, according to my apprehension, sufficiently appears from a volume of State papers communicated by President Jefferson to the tenth Congress, particularly a letter from Mr. Madison, Secretary of State to Messrs. Monroe and Pinkney. It is dated from the Department of State the 17th of May, 1806. Permit me, Sir, to read the first part of the letter. "Gentlemen, I herewith enclose a commission and letters of credence, authorizing you to treat with the British government concerning the maritime wrongs which have been committed and the regulation of commerce and navigation between the parties. Your authority is made several as well as joint, as a provision for any contingency depriving either of the co-operation of the other."

We will now recur to the administration of President Adams, who was so well known as a diplomatic functionary in Europe. Among the State papers which he communicated to Congress, we may find instructive documentary information relative to diplomatic credence and authority. Among those papers is the letter of credence for the envoys extraordinary to France according to full form of diplomacy. These are the terms:

CREDENCE

For Messrs. Pinckney, Marshall and Gerry, Envoys to France.

JOHN ADAMS,

President of the United States of America, to the Executive Directory of the French Republic:

CITIZENS DIRECTORS.—Desirous of terminating all differences between the United States of America and the French Republic, and of restoring that harmony and good understanding, and that commercial and friendly intercourse, which from the commencement of their political connexion until lately, have so happily subsisted, I have nominated, and by and with the advice and consent of the Senate of the United States, appointed Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, distinguished citizens of these States, jointly and severally, envoys extraordinary and ministers plenipotentiary to the French Republic, for the purpose of accomplishing the great objects above-mentioned: Wherefore I pray you, Citizens Directors, to give full credence to what they and each of them shall say to you in these respects, in behalf of the United States, and also when they shall assure you of the sincerity of our wishes for the welfare of the French Republic.

Given under my hand and the great seal of the United States of America, at Philadelphia, the thirteenth day of July, in the year 1797, and of the Independence of these States the twenty-second.

JOHN ADAMS,

By the President of the United States,
TIMOTHY PICKERING,
Secretary of State.

Here gentlemen may observe, that the letter of credence expressly states the object of the mission extraordinary, and desires full credence to be given to the envoys in those respects. Says the letter of credence, "I pray you, Citizens Directors, to give full credence to what they and each of them shall say to you in these respects, in behalf of the U. States." But did the President then in office suppose the letter of credence, even in such a case, to give the proper authority for negotiating an arrangement of matters in difference between the two countries? He understood the subject far otherwise; for he believed it proper to authorize the envoys distinctly, by giving them full powers. If gentlemen will now attend, they may know the terms of this public commission.

FULL POWERS

To Messrs. Pinckney, Marshall and Gerry, Envoys to France.

JOHN ADAMS

President of the United States of America, To all whom these presents shall concern.—Greeting:

KNOW YE, That for the purpose of terminating all differences, between the United States of America and the French Republic, and of restoring and confirming perfect harmony and good understanding, and re-establishing a commercial and friendly intercourse between them, and reposing especial trust and confidence in the integrity, prudence and abilities of Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, citizens of the said United States, have nominated, and, by and with the advice and consent of the Senate, appointed the said Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, jointly and severally, envoys extraordinary and ministers plenipotentiary of the United States to the French Republic, hereby giving and granting to them, and any and each of them, full power and authority, and also a general and special command, for and in the name of the United States, to meet and confer with the ministers, commissioners, or deputies of the French Republic, being furnished with the like full powers, whether separately or jointly, and with them to treat, consult and negotiate, of and concerning all claims, and all matters and causes of difference, subsisting between the United States and the French Republic, for the purpose of satisfying and terminating the same in a just and equitable manner, and all of and concerning the general

commerce between the United States and France, and all other the dominions of the French Republic, and to conclude and sign a treaty or treaties, convention or conventions, touching the premises, transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate of the United States, if such advice and consent shall be given.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand at the city of Philadelphia, the twenty-second day of June, in the year of our Lord, one thousand seven hundred and ninety-seven, and of the Independence of the United States of America, the twenty-first.

JOHN ADAMS,

By the President of the United States,
TIMOTHY PICKERING,
Secretary of State.

The history of the government presents further authority. Let us remount to the administration of the first President of the United States, the man "first in war, first in peace, first in the hearts of his countrymen!"—Mr. Hammond was residing at Philadelphia in character of minister plenipotentiary from Great Britain. On the 29th of November, in the year 1791, a letter was addressed to him by the Secretary of State Mr. Jefferson, who had returned from Europe, where he is well known to have been a minister from the United States. After adverting to the inexecution of the 7th article of the definitive treaty of peace, and mentioning the sentiment entertained of the friendly movement then "lately made by the court of London in sending a minister," the letter contains these expressions:—"Permit me then, Sir, to ask, whether you are instructed to give us explanations of the intentions of your court as to the execution of the article above quoted."

With respect to the commerce of the two countries, we have supposed, that we saw, in several instances, regulations on the part of your government, which, if reciprocally adopted, would materially injure the interests of both nations.

On this subject, too, I must beg the favour of you to say, whether you are authorized to conclude or to negotiate arrangements with us which may fix the commerce between the two countries on principles of reciprocal advantage."

The correspondence gives us interesting information applicable to the present subject. Under the administration of the first President of the United States, the inquiry was made by the Secretary of State officially—whether the accredited British minister plenipotentiary was authorized to conclude arrangements respecting commerce, or to negotiate such arrangements? Whether he was instructed to explain the intentions of the British government as to the execution of an article of the definitive treaty of peace?

It does not seem to have been imagined at that time, that the inquiry could be thought to vary in any respect whatever from the honourable principles of diplomatic intercourse. The answer is to be found in the letter to the Secretary of State from the British Minister Plenipotentiary, bearing date at Philadelphia, the 30th of November 1791, the next day after the official enquiry was made. Permit me now, Sir, to state such parts of this letter as appear the most applicable to the case before us.

"With respect to the non-execution of the 7th article of the definitive treaty of peace between his Britannic Majesty and the United States of America, which you have recalled to my attention, it is scarcely necessary for me to remark to you, Sir, that the King my master was induced to suspend the execution of that article on his part, in consequence of the non-compliance on the part of the United States with the engagements contained in the 4th 5th and 6th articles of the same treaty. These two objects are therefore so materially connected with each other as not to admit of separation, either in the mode of discussing them or in any subsequent arrangements which may result from that discussion."

In stating to you, Sir, this indispensable consideration, I must at the same time assure you, that in the confidence of experiencing a similar disposition in the government of the United States, it is his Majesty's desire to remove every ground and occasion of misunderstanding which may arise between the two countries: and in conformity to that disposition in his Majesty, I can add that I am instructed to enter into the discussion of all such measures as may be deemed the most practicable and reasonable for giving effect to those stipulations of the definitive treaty, the execution of which has hitherto been delayed as well by the government of this country as by that of Great Britain."

In answer to your question on the subject of the commerce of Great Britain and the United States, I can also inform you, Sir, that the King is sincerely disposed to promote and facilitate the commercial intercourse between the two countries, and that I am authorized to communicate to this government his Majesty's readiness to enter into a negotiation for establishing that intercourse upon principles of reciprocal benefit."

And I trust, I may be permitted to add, that it would be the highest object of my ambition to be the humble instrument of contributing in any manner to fix upon a permanent basis the future system of harmony and good understanding between the two countries."

Such is the language of the British minister plenipotentiary, Mr. Hammond. He does not seem to have suspected any semblance of indecorum in the official enquiry; for he returned an official answer, such as I have just mentioned on the subject of the correspondence, and in the same letter mentioned his sense of obliging expressions of personal regard. The next letter which appears in

the published correspondence now before me is also from Mr. Hammond. The letter is so short, and in point of principle it has so near relation to the present subject, that the whole will now be stated as it appears in the printed collection.

"Philadelphia, Dec. 6th. 1791.

Mr. Hammond Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

Sir.—As I am extremely solicitous to avoid any misapprehension of my letter of the 30th ult. I have now the honor of stating to you in explanation of that part of it to which you have adverted in yours of yesterday, that although (as I formerly mentioned in my first conversations with you after my arrival in this country) I am not as yet empowered to conclude any definitive arrangement with respect to the commercial intercourse between the two countries, I still meant it to be understood, that I am fully authorized to enter into a negotiation for that purpose, and into the discussion of such principles as may appear best calculated to promote that object on a basis of reciprocal advantage."

I am further authorized to receive any propositions which this government may be pleased to make to me upon this subject."

I have the honor to be, with every sentiment of respect and esteem, Sir, your most obedient and most humble servant.

GEO. HAMMOND."

In this letter, the distinction is marked between concluding an arrangement and entering into negotiation for that purpose. According to his own statement, although fully authorized to enter into negotiation, the minister was not empowered to conclude an arrangement respecting the commercial intercourse between the two countries. As to the idea of concluding any definitive commercial arrangement, therefore, there could be no further question under the existing circumstances. The minister plenipotentiary had not the competent powers; and nothing ought to be done. And of course, under the administration of the first President of the United States, nothing was done. But the British minister plenipotentiary undoubtedly believed himself fully authorized to enter into a negotiation; such was his statement as distinctly made in an official letter to the Secretary of State. What was the consequence? The Secretary of State addressed a letter the next week to the British minister plenipotentiary. The letter was short, but very intelligible. Gentlemen are requested to attend to the whole.

"Philadelphia, Dec. 13, 1791.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

Sir.—I have laid before the President of the United States the letters of November 30th, and December 6th, with which you honored me; and in consequence thereof, and particularly of that part of your letter of December 6th, where you say that you are fully authorized to enter into a negotiation for the purpose of arranging the commercial intercourse between the two countries, I have the honor to inform you that I am ready to receive a communication of your full powers for that purpose, at any time you shall think proper, and to proceed immediately to their object. I have, &c.

"TH: JEFFERSON."

Such was the principle and such the style of diplomatic propriety under the administration of President Washington. The British minister plenipotentiary returned an answer the following day. I will read every part of it as I find it, that gentlemen may judge on a fair view of the whole.

"Philadelphia, Dec. 14, 1791.

Mr. Hammond Minister Plenipotentiary of Great Britain to Mr. Jefferson, Secretary of State.

Sir, In answer to your letter of yesterday, I can only repeat what I have before stated in my first conversations with you after my arrival and subsequently in my letter of the 6th of this month; viz: that I have no special commission empowering me to conclude any definitive arrangement upon the subject of the commercial intercourse between Great Britain and the United States. But that I conceive myself fully competent to enter into a negotiation with this government for that purpose, in the discussion of the principles which may serve as the basis and constitute the stipulations of any such definitive arrangement."

This opinion of my competency is founded upon my instructions inasmuch as they are to regulate my personal conduct, and upon the conviction that the letter of credence from his majesty investing me with a general plenipotentiary character, which I had the honor of presenting to the President of the United States, and his consequent recognition of me in that character, are authorities decidedly adequate to the commencement of a preliminary negotiation."

I have the honor to be, with sentiments of great respect, Sir, your most obedient and most humble servant,
GEO: HAMMOND."

The course of correspondence had now shown, that the British minister plenipotentiary believed himself fully authorized to act as negotiator, because he had presented his letter of credence to the President of the United States and been received accordingly, and because too he had instructions to regulate his personal conduct, but which he did not think proper to communicate, and which he does not appear to have been at liberty to communicate to the American government.

If the letter of credence could be regarded as authorizing the negotiation, it had already been presented to the President of the United States. That this did not constitute the competent authority, therefore, must have

been decided by the President beyond controversy, at the date of the letter which invested the British minister plenipotentiary to communicate his full powers.

It is now to be recollected, that in his letter of the 30th of November the minister had mentioned his being instructed to enter into discussions with respect to articles of a definitive treaty, which had been concluded, but not fully executed. According to his own decision, he wanted competent authority to conclude a definitive commercial arrangement between the two countries, and according to the decision of the first President of the United States undoubtedly he wanted the competent authority to negotiate such arrangement.—Any opinions expressed by the minister in his letters of the 6th and 14th of December could not be supposed to reverse a decision deliberately formed by President Washington; and a controversial correspondence relative to such opinions might be worse than useless. Of course, it would accord with experience as well as diplomatic decorum to abstain from remarking on those letters in future correspondence. But to discuss the respective claims and complaints might contribute to a distinct knowledge of the affairs, and undoubtedly the minister might enter into such discussions. No discussions, however multiplied, could constitute a stipulation for any thing to be done on the part of the government of either country. Accordingly, it is worthy of observation, that the letter of the 14th of Dec. from the British minister plenipotentiary is not mentioned in the letter of the next day from the Secretary of State, who acknowledges the minister's letter of the 30th of Nov. without seeming to recollect any thing of the intervening correspondence. I will now state the introductory part of this letter from the Secretary of State.

"Philadelphia, Dec. 15, 1791.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

Sir, I am to acknowledge the honor of your letter of Nov. 30th, and to express the satisfaction with which we learn, that you are instructed to discuss with us the measures which reason and practicability may dictate for giving effect to the stipulations of our treaty yet remaining to be executed. I can assure you, on the part of the United States, of every disposition to lessen difficulties, by passing over whatever is of smaller concern, and insisting on those matters only which either justice to individuals or public policy render indispensable; and in order to simplify our discussions, by defining precisely their objects. I have the honor to propose, that we shall begin by specifying on each side the particular acts which each considers to have been done by the other in contravention of the treaty.—I shall set the example."

Such authorities we have before us, in the political history of our own country.

On considering the resolution from the Senate, the subject does not appear to be placed on the proper basis. I am against the resolution.

[We boldly assert, without fear of contradiction, that the above Speech of Mr. Dana CANNOT be answered. It is conclusive. The Democratic editors will not dare to publish it. Indeed very few of them seem disposed to publish the debates in Congress this session, as it is essential to the preservation of their cause to keep the people in darkness.—Phil. Freeman's Journal.]

National Legislature.

ELEVENTH CONGRESS—
SECOND SESSION.

HOUSE OF REPRESENTATIVES.

TUESDAY, JAN. 2.

SEVERAL local subjects—[none of them of interest to readers in this section of the Union] being disposed of, the House resumed the unfinished business; being the

RESOLUTION FROM THE SENATE.
Mr. Upham and Mr. Tallmadge spoke in favour of the indefinite postponement of the Resolutions, and Mr. Allison against it. Mr. Livermore followed Mr. A. in support of his motion for the postponement. Several motions to adjourn were made, and negatived: and at six o'clock the question was taken. Shall the Resolution be indefinitely postponed? And determined in the negative, Yeas 44—Nays 73.—Majority 29.

The House adjourned.
Among those who voted in favour of throwing out the Resolutions, were some of the most respectable for talents and age, of the democratic Members.

WEDNESDAY, JAN. 3.

PRESIDENT'S MESSAGE.

This day the President communicated the following Message to both Houses:—

To the Senate and House of Representatives.
THE Act authorizing a detachment of one hundred thousand men from the militia, will expire on the 30th of March next. Its early revival is recommended in order, that timely steps may be taken for arrangements such as that Act contemplated.

With out interfering with the modifications rendered necessary by the defects or the inefficiency of the laws restrictive of commerce and navigation, or with the policy of disallowing to foreign armed vessels the use of our waters, it falls within my duty to recommend also, that in addition to the precautionary measures authorized by that Act, and to the regular troops for completing the legal establishment of which enlistments are renewed, every necessary provision may be made for a volunteer force of twenty thousand men, to be called for a short period, to be held in a state of organization and readiness for actual service, at the shortest warning.

I submit to the consideration of Congress moreover, the expediency of such a course.

(Concluded from the 4th page.)

In retracing the history of our government, the next authority refers us to the administration of President Jefferson. It is the case of an extraordinary mission comprehending a minister having the character of plenipotentiary in ordinary. Messrs. Monroe and Pinkney were appointed commissioners extraordinary and plenipotentiaries for negotiating arrangements with the British government; and as such they had letters of credence from the United States. Yet they also had full powers in a commission authorizing them to treat severally as well as jointly. This, according to my apprehension, sufficiently appears from a volume of State papers communicated by President Jefferson to the tenth Congress, particularly a letter from Mr. Madison, Secretary of State to Messrs. Monroe and Pinkney. It is dated from the Department of State the 17th of May, 1806. Permit me, Sir, to read the first part of the letter. "Gentlemen, I herewith enclose a commission and letters of credence, authorizing you to treat with the British government concerning the maritime wrongs which have been committed and the regulation of commerce and navigation between the parties. Your authority is made several as well as joint, as a provision for any contingency depriving either of the co-operation of the other."

We will now recur to the administration of President Adams, who was so well known as a diplomatic functionary in Europe. Among the State papers which he communicated to Congress, we may find instructive documentary information relative to diplomatic credence and authority. Among those papers is the letter of credence for the envoys extraordinary to France according to full form of diplomacy. These are the terms:

"CREDENCE"

For Messrs. Pinckney, Marshall and Gerry, Envoys to France.

"JOHN ADAMS,"

President of the United States of America, to the Executive Directory of the French Republic:

CITIZENS DIRECTORS.—Desirous of terminating all differences between the United States of America and the French Republic, and of restoring that harmony and good understanding, and that commercial and friendly intercourse, which from the commencement of their political connexion until lately, have so happily subsisted, I have nominated, and by and with the advice and consent of the Senate of the United States, appointed Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, distinguished citizens of these States, jointly and severally, envoys extraordinary and ministers plenipotentiary to the French Republic, for the purpose of accomplishing the great objects above-mentioned: Wherefore I pray you, Citizens Directors, to give full credence to what they and each of them shall say to you in these respects, in behalf of the United States, and also when they shall assure you of the sincerity of our wishes for the welfare of the French Republic.

Given under my hand and the great seal of the United States of America, at Philadelphia, the thirteenth day of July, in the year 1797, and of the Independence of these States the twenty-second.

JOHN ADAMS.

By the President of the United States,

TIMOTHY PICKERING,
Secretary of State.

Here gentlemen may observe, that the letter of credence expressly states the object of the mission extraordinary, and desires full credence to be given to the envoys in those respects. Says the letter of credence, "I pray you, Citizens Directors, to give full credence to what they and each of them shall say to you in these respects, in behalf of the U. States." But did the President then in office suppose the letter of credence, even in such a case, to give the proper authority for negotiating an arrangement of matters in difference between the two countries? He understood the subject far otherwise; for he believed it proper to authorize the envoys distinctly, by giving them full powers. If gentlemen will now attend, they may know the terms of this public commission.

"FULL POWERS"

To Messrs. Pinckney, Marshall and Gerry, Envoys to France.

"JOHN ADAMS"

President of the United States of America, To all whom these presents shall concern.—Greeting:

KNOW YE, That for the purpose of terminating all differences, between the United States of America and the French Republic, and of restoring and confirming perfect harmony and good understanding, and re-establishing a commercial and friendly intercourse between them, and reposing especial trust and confidence in the integrity, prudence and abilities of Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, citizens of the said United States, have nominated, and, by and with the advice and consent of the Senate, appointed the said Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, jointly and severally, envoys extraordinary and ministers plenipotentiary of the United States to the French Republic, hereby giving and granting to them, and any and each of them, full power and authority, and also a general and special command, for and in the name of the United States, to meet and confer with the ministers, commissioners, or deputies of the French Republic, being furnished with the like full powers, whether separately or jointly, and with them to treat, consult and negotiate, of and concerning all claims, and all matters and causes of difference, subsisting between the United States and the French Republic, for the purpose of satisfying and terminating the same in a just and equitable manner, and also of and concerning the general

commerce between the United States and France, and all other the dominions of the French Republic, and to conclude and sign a treaty or treaties, convention or conventions, touching the premises, transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate of the United States, if such advice and consent shall be given.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand at the city of Philadelphia, the twenty-second day of June, in the year of our Lord, one thousand seven hundred and ninety-seven, and of the Independence of the United States of America, the twenty-first.

JOHN ADAMS.

By the President of the United States,
TIMOTHY PICKERING,
Secretary of State.

The history of the government presents further authority. Let us remount to the administration of the first President of the United States, the man "first in war, first in peace, first in the hearts of his countrymen!"—Mr. Hammond was residing at Philadelphia in character of minister plenipotentiary from Great Britain. On the 29th of November, in the year 1791, a letter was addressed to him by the Secretary of State Mr. Jefferson, who had returned from Europe, where he is well known to have been a minister from the United States. After adverting to the inexecution of the 7th article of the definitive treaty of peace, and mentioning the sentiment entertained of the friendly movement then "lately made by the court of London in sending a minister," the letter contains these expressions:—"Permit me then, Sir, to ask, whether you are instructed to give us explanations of the intentions of your court as to the execution of the article above quoted."

With respect to the commerce of the two countries, we have supposed, that we saw, in several instances, regulations on the part of your government, which, if reciprocally adopted, would materially injure the interests of both nations.

On this subject, too, I must beg the favour of you to say, whether you are authorized to conclude or to negotiate arrangements with us which may fix the commerce between the two countries on principles of reciprocal advantage."

The correspondence gives us interesting information applicable to the present subject. Under the administration of the first President of the United States, the inquiry was made by the Secretary of State officially—whether the accredited British minister plenipotentiary was authorized to conclude arrangements respecting commerce, or to negotiate such arrangements? Whether he was instructed to explain the intentions of the British government as to the execution of an article of the definitive treaty of peace?

It does not seem to have been imagined at that time, that the inquiry could be thought to vary in any respect whatever from the honourable principles of diplomatic intercourse. The answer is to be found in the letter to the Secretary of State from the British Minister Plenipotentiary, bearing date at Philadelphia, the 30th of November, 1791, the next day after the official enquiry was made. Permit me now, Sir, to state such parts of this letter as appear the most applicable to the case before us.

"With respect to the non-execution of the 7th article of the definitive treaty of peace between his Britannic Majesty and the United States of America, which you have recalled to my attention, it is scarcely necessary for me to remark to you, Sir, that the King my master was induced to suspend the execution of that article on his part, in consequence of the non-compliance on the part of the United States with the engagements contained in the 4th 5th and 6th articles of the same treaty. These two objects are therefore so materially connected with each other as not to admit of separation, either in the mode of discussing them or in any subsequent arrangements which may result from that discussion."

In stating to you, Sir, this indispensable consideration, I must at the same time assure you, that in the confidence of experiencing a similar disposition in the government of the United States, it is his Majesty's desire to remove every ground and occasion of misunderstanding which may arise between the two countries: and in conformity to that disposition in his Majesty, I can add that I am instructed to enter into the discussion of all such measures as may be deemed the most practicable and reasonable for giving effect to those stipulations of the definitive treaty, the execution of which has hitherto been delayed as well by the government of this country as by that of Great Britain."

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And I trust, I may be permitted to add, that it would be the highest object of my ambition to be the humble instrument of contributing in any manner to fix upon a permanent basis the future system of harmony and good understanding between the two countries."

Such is the language of the British minister plenipotentiary, Mr. Hammond. He does not seem to have suspected any semblance of indecorum in the official enquiry; for he returned an official answer, such as I have just mentioned on the subject of the correspondence, and in the same letter mentioned his sense of obliging expressions of personal regard. The next letter which appears in

the published correspondence now before me is also from Mr. Hammond. The letter is so short, and in point of principle it has so near relation to the present subject, that the whole will now be stated as it appears in the printed collection.

"Philadelphia, Dec. 6th, 1791."

Mr. Hammond Minister Plenipotentiary of Great Britain, to Mr. Jefferson, Secretary of State.

Sir.—As I am extremely solicitous to avoid any misapprehension of my letter of the 30th ult. I have now the honor of stating to you in explanation of that part of it to which you have adverted in yours of yesterday, that although (as I formerly mentioned in my first conversations with you after my arrival in this country) I am not as yet empowered to conclude any definitive arrangement with respect to the commercial intercourse between the two countries, I still meant it to be understood, that I am fully authorized to enter into a negotiation for that purpose, and into the discussion of such principles as may appear best calculated to promote that object on a basis of reciprocal advantage."

I am further authorized to receive any propositions which this government may be pleased to make to me upon this subject."

I have the honor to be, with every sentiment of respect and esteem, Sir, your most obedient and most humble servant.

GEO. HAMMOND."

In this letter, the distinction is marked between concluding an arrangement and entering into negotiation for that purpose. According to his own statement, although fully authorized to enter into negotiation, the minister was not empowered to conclude an arrangement respecting the commercial intercourse between the two countries. As to the idea of concluding any definitive commercial arrangement, therefore, there could be no further question under the existing circumstances. The minister plenipotentiary had not the competent powers; and nothing ought to be done. And of course, under the administration of the first President of the United States, nothing was done. But the British minister plenipotentiary undoubtedly believed himself fully authorized to enter into a negotiation; such was his statement as distinctly made in an official letter to the Secretary of State. What was the consequence? The Secretary of State addressed a letter the next week to the British minister plenipotentiary. The letter was short, but very intelligible. Gentlemen are requested to attend to the whole.

"Philadelphia, Dec. 13, 1791."

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

Sir,—I have laid before the President of the United States the letters of November 30th, and December 6th, with which you honored me; and in consequence thereof, and particularly of that part of your letter of December 6th, where you say that you are fully authorized to enter into a negotiation for the purpose of arranging the commercial intercourse between the two countries, I have the honor to inform you that I am ready to receive a communication of your full powers for that purpose, at any time you shall think proper, and to proceed immediately to their object. I have, &c.

"TH: JEFFERSON."

Such was the principle and such the style of diplomatic propriety under the administration of President Washington. The British minister plenipotentiary returned an answer the following day. I will read every part of it as I find it, that gentlemen may judge on a fair view of the whole.

"Philadelphia, Dec. 14, 1791."

Mr. Hammond Minister Plenipotentiary of Great Britain to Mr. Jefferson, Secretary of State.

Sir,

In answer to your letter of yesterday, I can only repeat what I have before stated in my first conversations with you after my arrival and subsequently in my letter of the 6th of this month; viz: that I have no special commission empowering me to conclude any definitive arrangement upon the subject of the commercial intercourse between Great Britain and the United States. But that I conceive myself fully competent to enter into a negotiation with this government for that purpose, in the discussion of the principles which may serve as the basis and constitute the stipulations of any such definitive arrangement."

"This opinion of my competency is founded upon my instructions inasmuch as they are to regulate my personal conduct, and upon the conviction that the letter of credence from his majesty investing me with a general plenipotentiary character, which I had the honor of presenting to the President of the United States, and his consequent recognition of me in that character, are authorities decidedly adequate to the commencement of a preliminary negotiation."

I have the honor to be,

with sentiments of great

respect, Sir, your most

obedient and most humble servant,

GEO: HAMMOND."

The course of correspondence had now shown, that the British minister plenipotentiary believed himself fully authorized to act as negotiator, because he had presented his letter of credence to the President of the United States and been received accordingly, and because too, he had instructions to regulate his personal conduct, but which he did not think proper to communicate, and which he does not appear to have been at liberty to communicate to the American government.

If the letter of credence could be regarded as authorizing the negotiation, it had already been presented to the President of the United States. That this did not constitute the competent authority, therefore, must have

been decided by the President beyond controversy, at the date of the letter which invested the British minister plenipotentiary to communicate his full powers.

It is now to be recollected, that in his letter of the 30th of November the minister had mentioned his being instructed to enter into discussions with respect to articles of a definitive treaty, which had been concluded, but not fully executed. According to his own decision, he wanted competent authority to conclude a definitive commercial arrangement between the two countries, and according to the decision of the first President of the United States undoubtedly he wanted the competent authority to negotiate such arrangement.—Any opinions expressed by the minister in his letters of the 6th and 14th of December could not be supposed to reverse a decision deliberately formed by President Washington; and a controversial correspondence relative to such opinions might be worse than useless. Of course, it would accord with experience as well as diplomatic decorum to abstain from remarking on those letters in future correspondence. But to discuss the respective claims and complaints might contribute to a distinct knowledge of the affairs, and undoubtedly the minister might enter into such discussions. No discussions, however multiplied, could constitute a stipulation for any thing to be done on the part of the government of either country. Accordingly, it is worthy of observation, that the letter of the 14th of Dec. from the British minister plenipotentiary is not mentioned in the letter of the next day from the Secretary of State, who acknowledges the minister's letter of the 30th of Nov. without seeming to recollect anything of the intervening correspondence. I will now state the introductory part of this letter from the Secretary of State.

"Philadelphia, Dec. 15, 1791."

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great Britain.

Sir,

I am to acknowledge the honor of your letter of Nov. 30th, and to express the satisfaction with which we learn, that you are instructed to discuss with us the measures which reason and practicability may dictate for giving effect to the stipulations of our treaty yet remaining to be executed. I can assure you, on the part of the United States, of every disposition to lessen difficulties, by passing over whatever is of smaller concern, and insisting on those matters only which either justice to individuals or public policy render indispensable; and in order to simplify our discussions, by defining precisely their objects. I have the honor to propose, that we shall begin by specifying on each side the particular acts which each considers to have been done by the other in contravention of the treaty.—I shall set the example."

Such authorities we have before us, in the political history of our own country.

On considering the resolution from the Senate, the subject does not appear to be placed on the proper basis. I am against the resolution.

[We boldly assert, without fear of contradiction, that the above Speech of Mr. Dana CANNOT be answered. It is conclusive. The Democratic editors will not dare to publish it. Indeed very few of them seem disposed to publish the debates in Congress this session, as it is essential to the preservation of their cause to keep the people in darkness.—Phil. Freeman's Journal.]

National Legislature.

ELEVENTH CONGRESS—

SECOND SESSION.

HOUSE OF REPRESENTATIVES.

TUESDAY, JAN. 2.

SEVERAL local subjects—[none of them of interest to readers in this section of the Union] being disposed of, the House resumed the unfinished business; being the

RESOLUTION FROM THE SENATE.

Mr. Upham and Mr. Tallmadge spoke in favour of the indefinite postponement of the Resolutions, and Mr. Allison against it. Mr. Livermore followed Mr. A. in support of his motion for the postponement. Several motions to adjourn were made, and negatived; and at six o'clock the question was taken. Shall the Resolution be indefinitely postponed? And determined in the negative, Yeas 44—Nays 73.—Majority 29.

The House adjourned.

Among those who voted in favour of throwing out the Resolutions, were some of the most respectable for talents and age, of the Democratic Members.

WEDNESDAY, JAN. 3.

PRESIDENT'S MESSAGE.

This day the President communicated the following Message to both Houses:—

To the Senate and House of Representatives.

THE Act authorizing a detachment of one hundred thousand men from the militia, will expire on the 30th of March next. Its early revival is recommended in order, that timely steps may be taken for arrangements such as that act contemplated.

Without interfering with the modifications rendered necessary by the defects or the inefficiency of the laws relative of commerce and navigation, or with the policy of disallowing to foreign armed vessels the use of our waters, it falls within my duty to recommend also, that, in addition to the precautionary measures authorized by that act, and to the regular troops for completing the legal establishment of which enlistments are renewed, every necessary provision may be made for a volunteer force of twenty thousand men, to be enlisted for a short period, to be held in a state of organization and readiness for actual service, at the shortest warning.

I submit to the consideration of Congress, moreover, the expediency of such a clause

tion and organization of the militia, as will best insure prompt and successful aid from that source adequate to emergencies which may call for them.

It will rest with them, also, to determine how far further provision may be expedient, for putting into actual service, if necessary, any part of the naval armament not now employed.

At a period presenting features in the conduct of foreign powers towards the United States which impose on them the necessity of precautionary measures involving expense, it is a happy consideration that such is the solid state of public credit, that reliance may justly be placed on any legal provision that may be made for resorting to it, in a convenient form, and to an adequate amount.

JAMES MADISON.

January 3, 1810.

Referred to the Committee on the Naval and Military Establishments of the United States, and to the Committee of Ways and Means.

Mr. Burwell, after stating that if the late rumours from the North of Europe were true, they would materially change his view of the measures necessary to be adopted in the present crisis, moved the following Resolution:—

Resolved, That the President of the United States be requested to lay before the House any information he may possess relative to the Blockade of the ports of the Baltic by Russia, Sweden and Denmark. [Mr. B. although a Virginia democrat, is "An honest man, the noblest work of God." This resolution is something of a damper upon the project of British War.]—The resolution passed without opposition.

The order of the day upon the joint resolution from the Senate being called for, it was decided that the resolution should be read a third time on this day, and it was read accordingly.

The question was stated, "Shall the resolution pass?"

Mr. Newton spoke in favour of the Resolution.

Mr. Stanley (of North-Carolina, a new member, but who has been once before in Congress) delivered a most original and most able speech, in opposition to the resolution. He proved to demonstration that the Administration had either overlooked their duty, or were grossly ignorant of it. He shewed the futility of the idea that the British government had insulted ours, by offering to it propositions, which Mr. Erskine (a recognized witness for our own government) proves originated here. As to the "third condition," offensive as it was, Mr. S. said it did not appear that our Executive had manifested the same sensibility with respect to France.—BONAPARTE has in force a decree for enforcing our Embargo! It is to be presumed that the Executive have properly remonstrated against it, but where is the evidence of it? Why all this clamour for war with England, and all this silence with respect to France? All the evils of war, great as they are, would be inconsiderable compared with its inevitable consequence, an Alliance with Napoleon.—Dazzling as has been the path of that man's glory, may God preserve us from the awful fate of all the nations who have gone before us in that path!

Mr. S. concluded with an unequivocal declaration that the executive, in shutting the door of negotiation upon the British Minister, had either overlooked the true interest of the country, or immolated it upon the altar of passion. He saw masked in the resolution a declaration of War.

Mr. Findley made a very few remarks. He admitted that the resolution ought not to have been brought forward, but as it was before the House, he must give his vote in favour of it.

Mr. Gardener moved the postponement of the resolution till the third Monday of February, hoping by that time to receive information of the course taken by the British government. If we must go to war, let us engage with the British monarch, an adversary worthy of our powers. It is unworthy of the Representatives of Seven Millions of People, to wage this conflict with a solitary individual. An individual who can no more obscure the lustre and glory of this Republic, than the intervention of a fly can deprive us of the rays of the Sun!

The motion was lost, 73 to 40.

Mr. Gardener protested against urging a decision of the question at this time of night, [to o'clock] without allowing gentlemen an opportunity of delivering their sentiments on so important a subject. He therefore moved that the House adjourn. Negatived.

Mr. Gardener then addressed the chair in a speech of great length and animation against the resolution. He said, that this poor degraded, disgraced country, had for three years past been plunged deeper and deeper into difficulty and disgrace, by a succession of measures of experimental commercial coercion. It was a maxim of that great practical statesman, Frederick of Prussia, that if he wanted a province ruined, he would send a philosopher to govern it! Mr. G. expatiated largely upon the various measures which had been taken to coerce Great-Britain into a redress of our wrongs. France had continued to injure and insult us, because, unlike former administrations, [Washington and Adams] we had failed to present a bold front towards her; to take decisive steps to vindicate our rights from her tyranny and injustice. In our negotiations with the king of England, we had not been content to appeal to his justice, we must address his fears. His pride would not allow him to yield to our demands under such circumstances. When Washington had been insulted by Genet, he had not thought it necessary to appeal in this way to the legislature and the nation to pledge themselves in his support. Mr. G. examined elaborately the correspondence between Mr. Smith and Mr. Jackson, and denied that the latter intended

to insult the former. He continued to speak until two o'clock [Thursday morning.]

Mr. Potter then offered some explanatory observations repeating the arguments which he offered at the commencement of the debate, and stated some other reasons why he should vote against the resolution.

The House continued in session till 5 o'clock on Thursday morning, when GILES' RESOLUTION WAS FINALLY CARRIED, in concurrence with the Senate—yeas 72—nays 41. The debate through the night was highly interesting. Repeated attempts were made to adjourn, but were all negatived, till the main question had been taken, after which the House adjourned to Friday. They gained no time by proceeding thus.

FRIDAY, JAN. 5.

Several communications from the Secretaries were read, viz: A letter from the Secretary of war—a letter from the Secretary of the navy—a letter from the Secretary of the treasury—and another letter from the Secretary at war. The communications were respecting accounts in the several departments. Ordered to be printed.

The house went into committee of the whole on the report of the committee appointed to draft rules and regulations for the house.—The rules reported were read. Mr. Livermore moved to strike out the rule respecting taking previous questions, which states that, after the previous question is called for by one fifth of the members present, all debate shall cease. A long debate ensued on this motion.

At half past four the committee rose, reported progress, and had leave to sit again and the house adjourned.

NEWPORT,

SATURDAY, JANUARY 13, 1810.

MR. DANA'S SPEECH.

We recommend an attentive perusal of Mr. DANA'S speech, which is concluded in this day's Mercury.—It places the subject of the difference between the FULL POWER, and LETTER OF CREDENCE, in a very striking light, and the conclusion which he draws from his argument is uncommonly forcible, and destructive of the whole basis of the principles assumed as the defence of our administration. Without enquiring whether or not our government knew the restricted authority of Mr. Erskine, he says, they ought to have known him to be possessed of the necessary authority to conclude the arrangement; which authority he maintains and proves is never contained in a mere letter of credence. Let this speech be read, and thoroughly understood and he will be a bold reasoner who undertakes to controvert the principle which it endeavours to establish.

Extract of a letter from a Member of Congress, dated,

"WASHINGTON, JAN. 4 1810.

"The President's Message is inclosed.—It puzzles the most profound politicians here, and is, in fact, a masterpiece of the occult science. However, many of the ministerialists who pretend to understand it, declare it to be a War Message. But, in the name of Heaven, if the American People are to be involved in War by those who will never, perhaps, be called upon to draw a trigger in it; and are to be called upon to support its burthens, and suffer its deprivations, ought they not to be explicitly informed of the objects to be attained by War:—Of the Nation or Nations against whom the War is to be waged:—In what manner it is to be carried on &c.—that their calculations, preparations and arrangements may be made accordingly? Is it not the duty of those who pretend they are the servants of the People to give them such information? Will not the people demand it, in a voice which will be irresistible? These are important questions, demanding explicit answers. If a War is indispensably necessary to support the Honor and Independence, and retain or regain the Rights of the country; why does not the President say so in open and bold language; not drive at in the cabalistical and enigmatical language of the Message, and in the *bocus pocus* ambidexterous manoeuvres of the Cabinet! If such a War is unavoidable—and the people are convinced that it is so, and that they can attain the objects desired, by going to War—they will, to a man, acquiesce in and support it.—But if instead of this, they are to receive no other information than what this War Message contains, they will raise their united voices against it! It is, however, said, that all this clangor is merely intended as an apology for a large loan of money, which the exhausted state of the Treasury, occasioned by the Embargo measures and other miscalculations, has made necessary. If this be the object would not the policy have been more worthy the government, to have merely called for the Loan to meet the exigencies of the government? The credit of the country is unquestionably high; and money enough can be obtained; but that the fact is so, is incontrovertible evidence of the great degree of prosperity which the nation has enjoyed, and by wise counsels could now enjoy; and which prosperity the measures of every day are putting at hazard, and will destroy.

"If we are to have War, it will be against England: or the present Powers that be, will lose their places. As the Almanac makers say, look out for specks of war about these days."

The health of Mr. John Randolph, has so much improved, that he intends very soon to take his seat in Congress. This information must be highly gratifying to every friend of talents and eloquence, and every lover of the prosperity of his country.

POSTSCRIPT.

By the arrival this morning of the Packet *Hanstress*, Earl, from New-York, we received papers of that city of Thursday morning last—two days later than by mail.—The following articles are all that are worth extracting:—

NEW YORK JAN. 11.

Captain Coffin, of the ship *Phoenix* arrived yesterday, left Lisbon on the 2d of Dec. at which time it was reported and believed, that there had been a battle near Madrid, between the French army under the command of Gen. Vitor, and the Patriotic Army, in which the latter had 5000 men killed and wounded, and 7000 taken prisoners. It was also reported, that after the battle, the inhabitants of Madrid set the city on fire.

Capt. Coffin also informs, that a division of the British troops that were wounded in the battle of Talavera, were embarking for England.

The British army under the command of Lord Wellington, had formed a new encampment nearer the city of Lisbon.

Capt. Coffin also states, that of 18 French ships of war and 18 transports, which made their escape from Toulon, one half of the number were taken and destroyed by Rear Admiral Martin, with a part of the Squadron under the command of Admiral Collingwood.

Capt. C. further states, that a serious misunderstanding had taken place between Marshals Ney and Soult. All conferences and communications between them had ceased.

Capt. C. further informs, that Cotton cannot be re-shipped from Lisbon without paying a duty of 30 per cent. valuing the cotton at 9d sterling, with 12 per cent. other charges. The re-exportation duty on pot and pearl ash, 5 dollars per barrel.—Flour 1 dollar.—Tobacco 10 per cent. on the invoice cost—and slaves 50 per cent.

Capt. Coffin has favoured the editors with Lisbon Gazettes to the 2d of Dec. They state, that a battle was fought on the 6th of November at Madrid, (about 30 leagues from Madrid) between the Spanish army under the command of Field-Marshal Manuel Friere, and a French army consisting of 2600 foot, and 3000 horse. The battle continued the whole day, with considerable loss on both sides. On the 8th the French were obliged to abandon their position at Guardia. The result of this action is mentioned to have reflected great honor on Gen. Friere and his troops, and to place the province of La Mancha again in the power of the Spaniards. The Central Junta have determined to augment the army 50,000 men.

Toulon Fleet.—On the 14th of Nov. the British Consul communicated to the Governor of Cadiz, officially, the following letter from E. Wylie, dated Gibraltar the 10th:

"A British brig of war has just arrived from Lord Collingwood's fleet, with the agreeable news that Admiral Gantheaume's Squadron consisting of an 80 gun ship, two 74's, sundry frigates, and from 15 to 18 transports, with provisions, ammunition and troops, were burnt and destroyed in the Bay of Rosas, one only having escaped.

Another account states, that Gantheaume's Squadron sailed from Toulon on the 20th of October—that it consisted of 3 ships of the line and 2 frigates, conveying 20 transports, bound to the coast of Catalonia. They were attacked on the 26th of the same month by Admiral Martin with 7 ships, near Cette. The result was, 3 of the French ships went ashore, 2 were destroyed, and the others were rendered unserviceable. After this, Admiral Collingwood came up, and attacked the remainder of the Squadron off Cape Croix—took 5 vessels and sunk 4; the others retired to the Bay of Rosas, where 4 were burnt and 5 taken. Out of the 25 sail only one frigate escaped.

It is reported, that information has been received of Mr. Erskine's arrival in England, in twenty two days. He failed in the frigate *Africaine*.

Mr. Bayard, of Delaware, has taken his seat in the Senate of the U. S.

The Insurance Offices of Philadelphia, have published an official statement of the captures of American property, insured in their respective houses, since the raising of the Embargo, viz:—

By the British, 30,000 dolls. 10,000 of which has been restored.

By the French, 138,420 dolls. 38 600 of which has been re-captured by the British and restored on salvage.—This includes no part of the late sequestrations in Italy, or in the Indian seas.

By the Danes, 209,542 dolls. 94,500 of which has been released on paying charges, amounting in most cases to ransom.

By the Spaniards, 10,000 dolls.

London papers to November 18th, (four days latel) have been received in New-York.—They contain a report that General Armstrong had visited the Emperor Napoleon; had been received graciously, and had received the project of a Treaty of Alliance between France, Russia, Sweden, Denmark and America, for the complete "emancipation of the seas."—That General Armstrong had lent a favorable ear to the project; and that in consequence, the French decrees were to be revoked. Though we consider this as London verbiage, there are others who think it to be a fact.

It is tolerably evident by paragraphs in the Southern violent democratic papers, that Mr. Gallatin the Secretary of the Treasury, is to be hunted down. A short time since, any federalist, who said a word against him was denounced as a Tory, and British Partisan!

DIED:—At Taunton, (Mass.) on evening last, of an apoplexy, the Hon. PADDLEFORD, L. L. D. Judge of in the 59th year of his age.

PORT OF NEWPORT.

ENTERED,

Sloop Fame; Davis, New-York: do. Aurora, Cahoon, ditto.

CLEARED,

Brig Brandywine, Davis, New-York: Sch'r Regulator, Jencks, Norfolk: Sloop Priscilla, Harrison, Charleston.

The ship *George Washington*, Gardner, of this port, arrived at New-Orleans Dec. 24, in 60 days from Liverpool.

The ship *New Good Intent*, Dennis, of this port, arrived at New-Orleans Dec. 12, from Baltimore.

At Cadiz Nov. 30 ship *Good Intent*, Lyndon, of this port, to sail in 10 days.

Jan. 4 inst. 33, was spoke the ship Bayard, Wood, 3 days from this port for Norfolk.

At Lisbon, Dec. 2, ship *Frederick Augustus*, Potter, of this port, to sail the next day for New-Orleans.

SUBSCRIPTIONS

Are received at L. ROUSSIANIERE'S Book Store, No. 1 & 2 Long Wharf, for publishing the complete

WORKS OF THE

REV. WILLIAM PALEY, D. D.

Archdeacon of Carlisle.

WITH THE LIFE OF THE AUTHOR.

The work will be printed in five handsome octavo volumes, of 500 pages each, on a superfine wove paper, and new type.—The price to Subscribers will be two dollars per volume, neatly finished in boards, or two dollars and twenty five cents neatly bound, payable on delivery.

SUBSCRIPTIONS

Are also received for publishing

SERMONS

ON VARIOUS SUBJECTS, DIVINE

AND MORAL,

Designed for the use of christian families, as well as for the hours of devout retirement.

By ISAAC WATTS, D. D.

To which will be added,

MEMOIRS OF THE AUTHOR,

By an eminent hand.

The work will be printed on paper of an excellent quality, with a new handsome type, and executed in a neat and workmanlike manner; to be comprised in two octavo volumes of about five hundred pages each. It will be offered to subscribers, in boards, at two dollars per volume.—To non-subscribers the price will be considerably enhanced, as the publisher will print no more than what he conceives may be engaged by the time the work is finished.

Newport, Jan. 13, 1810.

NOTICE.

THE Stockholders in the PROGRESSIVE COMPANY, are hereby warned to meet at the State-House, on MONDAY, the 15th instant, at 6 o'clock, P. M. As there are matters of importance to come before them, it is earnestly requested that every member would attend.

Per order of the Directors,

JOHN RODMAN, Clerk.

Newport, Jan. 10, 1810.

Robert Robinson,

Has for Sale,

SWEDEN'S IRON, from 1 to 24 inches, in flat bars, assorted; and from 1 to 14 inch, in square bars, assorted.

Newport, Jan. 12, 1810.

Sales at Auction.

On MONDAY Jan. 15, 1810. at XI o'clock A. M. at the Store of

Henry Y. Cranston, & Co.

TEN Hogheads 3d proof Antigua Rum; 10 Pipes 1st proof Barcelona Brandy; 20 chests Campey Tea; 10 do. Souchong Do.; 12 boxes Chocolate; 20 do Soap; 20 kegs Ginger; 6 kegs Tobacco; 40 casks Raisins; 5 bales Cotton; 5 barrels Pimento; 2 bolts damaged Duck.

Conditions liberal and made known at the place of Sale.

HENRY Y. CRANSTON Auc'r.

Newport, Jan. 13, 1810.

AQUEDNECK COAL,

FOR SALE at the Store on Barlow's Wharf—Apply to

JASON SPRAGUE.

Newport Jan. 11, 1810.

Fresh Teas.

JUST received and for Sale, by LOPEZ & DEXTER, in addition to their former supply, the following fresh imported TEAS, warranted of first quality, viz:—

110 Chests Bohea;

167 Do. Souchong,

40 Do. Hyson skin,

30 Do. Hyson,

Also, 20 Pouchons sweet flavoured St. Croix Rum, warranted as pure as imported.

Newport, Jan. 12, 1810.

Benjamin Colman,

PHYSICIAN & SURGEON.

INFORMS the inhabitants of Newport and its vicinity, that he has taken Lodgings at the House of Mrs. CORTRAIL, and offers his services as a Practitioner.—Patronage is respectfully solicited.

Newport, Jan. 11, 1810.

TO BE LET,

THE FARM, formerly called the War-ner Farm, situated in Middletown.—For further particulars, apply to

BENJAMIN PAGE.

Newport, Jan. 8, 1810.

tion and organization of the militia, as will best insure prompt and successful aids from that source adequate to emergencies which may call for them.

It will rest with them, also, to determine how far further provision may be expedient, for putting into actual service, if necessary, any part of the naval armament not now employed.

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JAMES MADISON.

January 3, 1810.

Referred to the Committee on the Naval and Military Establishments of the United States, and to the Committee of Ways and Means.

Mr. Burwell, after stating that if the late rumours from the North of Europe were true, they would materially change his view of the measures necessary to be adopted in the present crisis, moved the following Resolution:—

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The order of the day upon the joint resolution from the Senate being called for, it was decided that the resolution should be read a third time on this day, and it was read accordingly.

The question was stated, "shall the resolution pass?"

Mr. Newton spoke in favour of the Resolution.

Mr. Stanley (of North-Carolina, a new member, but who has been once before in Congress) delivered a most original and most able speech, in opposition to the resolution. He proved to demonstration that the Administration had either overlooked their duty, or were grossly ignorant of it. He shewed the futility of the idea that the British government had insulted ours, by offering to it propositions, which Mr. Erskine (a recognized witness for our own government) proves originated here. As to the "third condition," offensive as it was, Mr. S. said it did not appear that our Executive had manifested the same sensibility with respect to France.—BONAPARTE has in force a decree for enforcing our Embargo! It is to be presumed that the Executive have properly remonstrated against it, but where is the evidence of it? Why all this clamour for war with England, and all this silence with respect to France? All the evils of war, great as they are, would be inconsiderable compared with its inevitable consequence, an Alliance with Napoleon.—Dazzling as has been the path of that man's glory, may God preserve us from the awful fate of all the nations who have gone before us in that path!

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Mr. Gardenier moved the postponement of the resolution till the third Monday of February, hoping by that time to receive information of the course taken by the British government. If we must go to war, let us engage with the British monarch, an adversary worthy of our powers. It is unworthy of the Representatives of Seven Millions of People, to wage this conflict with a solitary individual. An individual who can no more obscure the lustre and glory of this Republic, than the intervention of a fly can deprive us of the rays of the Sun!

The motion was lost, 73 to 40.

Mr. Gardenier protested against urging a decision of the question at this time of night, [to o'clock] without allowing gentlemen an opportunity of delivering their sentiments on so important a subject. He therefore moved that the House adjourn. Negatived.

Mr. Gardenier then addressed the chair in a speech of great length and animation against the resolution. He said, that this poor degraded, disgraced country, had for three years past been plunged deeper and deeper into difficulty and disgrace, by a succession of measures of experimental commercial coercion. It was a maxim of that great practical statesman, Frederick of Prussia, that if he wanted a province ruined, he would send a philosopher to govern it! Mr. G. expatiated largely upon the various measures which had been taken to coerce Great-Britain into a redress of our wrongs. France had continued to injure and insult us, because, unlike former administrations, [Washington and Adams] we had failed to present a bold front towards her; to take decisive steps to vindicate our rights from her tyranny and injustice. In our negotiations with the king of England, we had not been content to appeal to his justice, we must address his fears. His pride would not allow him to yield to our demands under such circumstances. When WASHINGTON had been insulted by Genet, he had not thought it necessary to appeal in this way to the legislature and the nation to pledge themselves in his support. Mr. G. examined elaborately the correspondence between Mr. Smith and Mr. Jackson, and denied that the latter intended

to insult the former. He continued to speak until two o'clock [Thursday morning.]

Mr. Potter then offered some explanatory observations repeating the arguments which he offered at the commencement of the debate, and stated some other reasons why he should vote against the resolution.

The House continued in session till 5 o'clock on Thursday morning, when GILES' RESOLUTION WAS FINALLY CARRIED, in concurrence with the Senate—yeas 72—nays 41. The debate through the night was highly interesting. Repeated attempts were made to adjourn, but were all negatived, till the main question had been taken, after which the House adjourned to Friday. They gained no time by proceeding thus.

FRIDAY, JAN. 5.

Several communications from the Secretaries were read, viz: A letter from the Secretary of War—a letter from the Secretary of the Navy—a letter from the Secretary of the Treasury—and another letter from the Secretary at War. The communications were respecting accounts in the several departments. Ordered to be printed.

The house went into committee of the whole on the report of the committee appointed to draft rules and regulations for the house.—The rules reported were read. Mr. Livermore moved to strike out the rule respecting taking previous questions, which states that, after the previous question is called for by one fifth of the members present, all debate shall cease. A long debate ensued on this motion.

At half past four the committee rose, reported progress, and had leave to sit again and the house adjourned.

NEWPORT,

SATURDAY, JANUARY 13, 1810.

MR. DANA'S SPEECH.

We recommend an attentive perusal of Mr. DANA'S speech, which is concluded in this day's Mercury.—It places the subject of the difference between the FULL POWER, and LETTER OF CREDENCE, in a very striking light, and the conclusion which he draws from his argument is uncommonly forcible, and destructive of the whole basis of the principles assumed as the defence of our administration. Without enquiring whether or not our government knew the restricted authority of Mr. Erskine, he says, they ought to have known him to be possessed of the necessary authority to conclude the arrangement; which authority he maintains and proves is never contained in a mere letter of credence. Let this speech be read, and thoroughly understood, and he will be a bold reasoner who undertakes to controvert the principle which it endeavours to establish.

Extract of a letter from a Member of Congress, dated,

"WASHINGTON, JAN. 4 1810.
"The President's Message is inclosed.—It puzzles the most profound politicians here, and is, in fact, a master-piece of the occult science. However, many of the ministerialists who pretend to understand it, declare it to be a War Message. But, in the name of Heaven, if the American People are to be involved in War by those who will never, perhaps, be called upon to draw a trigger in it; and are to be called upon to support its burthens, and suffer its deprivations, ought they not to be explicitly informed of the objects to be attained by War:—Of the Nation or Nations against whom the War is to be waged:—In what manner it is to be carried on &c.—that their calculations, preparations and arrangements may be made accordingly? Is it not the duty of those who pretend they are the servants of the People to give them such information? Will not the people demand it, in a voice which will be irresistible? These are important questions, demanding explicit answers. If a WAR is indispensably necessary to support the Honor and Independence, and retain or regain the Rights of the country; why does not the President say so in open and bold language; not drive it in the cabalistical and enigmatical language of the Message, and in the *bocus pocus* ambi dexteros manœuvres of the Cabinet! If such a War is unavoidable—and the people are convinced that it is so, and that they can attain the objects desired, by going to War—they will, to a man, acquiesce in and support it.—But if instead of this, they are to receive no other information than what this War Message contains, they will raise their united voices against it! It is, however, said, that all this clamor is merely intended as an apology for a large loan of money, which the exhausted state of the Treasury, occasioned by the Embargo measures and other miscalculations, has made necessary. If this be the object, would not the policy have been more worthy the government, to have merely called for the Loan to meet the exigencies of the government? The credit of the country is unquestionably high; and money enough can be obtained;—but that the fact is so, is incontrovertible evidence of the great degree of prosperity which the nation has enjoyed, and by wise counsels could now enjoy; and which prosperity the measures of every day are putting at hazard, and will destroy.

"If we are to have War, it will be against England; or the present Powers that be, will lose their places. As the Almanac makers say, look out for specs of war about these days."

The health of Mr. John Randolph, has so much improved, that he intends very soon to take his seat in Congress. This information must be highly gratifying to every friend of talents and eloquence, and every lover of the prosperity of his country.

POSTSCRIPT.

By the arrival this morning of the Packet *Huntress*, Earl, from New-York, we received papers of that city of Thursday morning last—two days later than by mail.—The following articles are all that are worth extracting:—

NEW YORK JAN. 11.

Captain Coffin, of the ship *Phocion* arrived yesterday, left Lisbon on the 2d of Dec. at which time it was reported and believed, that there had been a battle near Madrid, between the French army under the command of Gen. Vitor, and the Patriotic Army, in which the latter had 5000 men killed and wounded, and 7000 taken prisoners. It was also reported, that after the battle, the inhabitants of Madrid set the city on fire.

Capt. Coffin also informs, that a division of the British troops that were wounded in the battle of Talavera, were embarking for England.

The British army under the command of Lord Wellington, had formed a new encampment nearer the city of Lisbon.

Capt. Coffin understood, that of 18 French ships of war and 18 transports, which made their escape from Toulon, one half of the number were taken and destroyed by Rear Admiral Martin, with a part of the Squadron under the command of Admiral Collingwood.

Capt. C. further states, that a serious misunderstanding had taken place between Marshals Ney and Soult. All conferences and communications between them had ceased.

Capt. C. further informs, that Cotton cannot be re-shipped from Lisbon without paying a duty of 30 per cent. valuing the cotton at 9d sterling, with 12 per cent. other charges. The re-exportation duty 50n per barrel—Flour 1 dollar—Tobacco 10 per cent. on the invoice cost—and slaves 50 per cent.

Capt. Coffin has favoured the editors with Lisbon Gazettes to the 2d of Dec. They state, that a battle was fought on the 6th of November at Madridejos, (about 30 leagues from Madrid) between the Spanish army under the command of Field-Marshal Manuel Friere, and a French army consisting of 2600 foot, and 3000 horse. The battle continued the whole day, with considerable loss on both sides. On the 8th the French were obliged to abandon their position at Guardia. The result of this action is mentioned to have reflected great honor on Gen. Friere and his troops, and to place the province of La Mancha again in the power of the Spaniards. The Central Junta have determined to augment the army 150,000 men.

Toulon Fleet.—On the 14th of Nov. the British Consul communicated to the Governor of Cadiz, officially, the following letter from E. Wylie, dated Gibraltar the 10th:

"A British brig of war has just arrived from Lord Collingwood's fleet, with the agreeable news that Admiral Gantheaume's Squadron consisting of an 80 gun ship, two 74's, sundry frigates, and from 15 to 18 transports, with provisions, ammunition and troops, were burnt and destroyed in the Bay of Rosas, one only having escaped.

Another account states, that Gantheaume's Squadron sailed from Toulon on the 20th of October.—that it consisted of 3 ships of the line and 2 frigates, conveying 20 transports, bound to the coast of Catalonia. They were attacked on the 26th of the same month by Admiral Martin with 7 ships, near Cette. The result was, 3 of the French ships went ashore, 2 were destroyed, and the others were rendered unserviceable. After this, Admiral Collingwood came up, and attacked the remainder of the Squadron off Cape Croix—took 5 vessels and sunk 4; the others retired to the Bay of Rosas, where 4 were burnt and 5 taken. Out of the 25 sail only one frigate escaped.

It is reported, that information has been received of Mr. Erskine's arrival in England, in twenty two days. He failed in the frigate *Africaine*.

Mr. Bayard, of Delaware, has taken his seat in the Senate of the U. S.

The Insurance Offices of Philadelphia, have published an official statement of the captures of American property, insured in their respective houses, since the raising of the Embargo, viz:—

By the British, 30,000 dolls. 10,000 of which has been restored.

By the French, 138,420 dolls. 38 600 of which has been re-captured by the British and restored on salvage.—This includes no part of the late sequestrations in Italy, or in the Indian seas.

By the Danes, 209542 dolls. 94,500 of which has been released on paying charges, amounting in most cases, to ransom.

By the Spaniards, 10,000 dolls.

London papers to November 18th, (four days later) have been received in New-York.—They contain a report that General Armstrong had visited the Emperor Napoleon; had been received graciously, and had received the project of a Treaty of Alliance between France, Russia, Sweden, Denmark and America, for the complete "emancipation of the seas."—That General Armstrong had lent a favorable ear to the project: and that in consequence, the French decrees were to be revoked. Though we consider this as London verbiage, there are others who think it to be a fact.

It is tolerably evident by paragraphs in the Southern violent democratic papers, that Mr. Gallatin the Secretary of the Treasury, is to be hunted down. A short time since, any federalist, who said a word against him was denounced as a Tory, and British Partisan!

DIED:—At Taunton, (Mass.) on evening last, of an apoplexy, the Ho PADDLEFORD, L. L. D. Judge of in the 59th year of his age.

PORT OF NEWPORT.

ENTERED,

Sloop Fame, Davis, New-York: do. Aurora, Cahoon, ditto.

CLEARED,

Brig Brandywine, Davis, New-York: Sch'r Regulator, Jencks Norfolk: Sloop Priscilla, Harrison, Charleston.

The ship *George Washington*, Gardner, of this port, arrived at New-Orleans Dec. 14, in 60 days from Liverpool.

The ship *New Good Intent*, Dennis, of this port, arrived at New-Orleans Dec. 12, from Baltimore.

At Cadiz Nov. 30 ship *Good Intent*, Lyndon, of this port, to sail in 10 days.

Jan. 4 inst. 33, was spoke the ship Bayard Wood, 3 days from this port for Norfolk.

At Lisbon, Dec. 2, ship *Frederick Augustus*, Potter, of this port, to sail the next day for New-Orleans.

SUBSCRIPTIONS

Are received at L. ROUSMANIERE'S Book Store, No. 1 & 2 Long Wharf, for publishing the complete

WORKS OF THE REV. WILLIAM PALEY, D. D. Archdeacon of Exeter. WITH THE LIFE OF THE AUTHOR.

The work will be printed in five handsome octavo volumes, of 500 pages each, on a superfine wove paper, and new type.—The price to Subscribers will be two dollars per volume, neatly finished in boards, or two dollars and twenty five cents neatly bound, payable on delivery.

SUBSCRIPTIONS

Are also received for publishing SERMONS ON VARIOUS SUBJECTS, DIVINE AND MORAL,

Designed for the use of christian families, as well as for the hours of devout retirement.

By ISAAC WATTS, D. D.

To which will be added,

MEMOIRS OF THE AUTHOR,

By an eminent hand.

The work will be printed on paper of an excellent quality, with a new handsome type, and executed in a neat and workmanlike manner; to be comprised in two octavo volumes of about five hundred pages each. It will be offered to subscribers, in boards, at two dollars per volume.—To non-subscribers the price will be considerably enhanced, as the publisher will print no more than what he conceives may be engaged by the time the work is finished.

Newport, Jan. 13, 1810.

NOTICE.

THE Stockholders in the PROGRESSIVE COMPANY, are hereby warned to meet at the State-House, on MONDAY, the 15th instant, at 6 o'clock, P. M. As there are matters of importance to come before them, it is earnestly requested that every member would attend.

Per order of the Directors, JOHN RODMAN, Clerk. Newport, Jan. 10, 1810.

Robert Robinson,

Has for Sale, SWEDE'S IRON, from 1 to 24 inches, in flat bars, assorted: and from 1 to 12 inch, in square bars, assorted.

Newport, Jan. 12, 1810.

Sales at Auction.

On MONDAY Jan. 15, 1810, at XI o'clock A. M. at the STORE of

Henry Y. Cranston, & Co.

TEN Hogheads 3d proof Antigua Rum; 10 Pipes 1st proof Barcelona Brandy; 20 chests Campoy Tea; 10 do. Souchong Do.; 12 boxes Chocolate; 20 do. Soap; 20 kegs Ginger; 6 kegs Tobacco; 40 casks Raisins; 5 bales Cotton; 5 barrels Pimento; 2 bolts damaged Duck.

Conditions liberal and made known at the place of Sale.

HENRY Y. CRANSTON Auc'r. Newport, Jan. 13 1810.

AQUEDNECK COAL, FOR SALE at the Store on Barlow's Wharf—Apply to

JASON SPRAGUE.

Newport Jan. 11, 1810.

Fresh Teas.

JUST received and for Sale, by LOPEZ & DEXTER, in addition to their former supply, the following fresh imported TEAS, warranted of first quality, viz:—

110 Chests Bohea;
167 Do. Souchong,
40 Do. Hyson skin,
30 Do. Hyson,
Also, 20 Puncheons Sweet Flavoured St. Croix Rum, warranted as pure as imported.

Newport, Jan. 12, 1810.

Benjamin Colman, PHYSICIAN & SURGEON.

INFORMS the inhabitants of Newport and its vicinity, that he has taken Lodgings at the House of Mrs. CORNELL, and offers his services as a Practitioner.—Patronage is respectfully solicited.

Newport, Jan. 11, 1810.

TO BE LET,

THE FARM, formerly called the Warner Farm, situated in Middletown.—

For further particulars, apply to

BENJAMIN PAGE.

Newport, Jan. 8, 1810.

(Continued from the first page.)
how to proceed and on what he might conclude. And when he has restrictive instructions for his own direction, and a full power to be exhibited to the government with which the negotiation is had, if he departs from the instructions, his own government, notwithstanding the formal plenitude of his power, is considered as not bound to ratify his acts, especially if he has departed from his instructions on a subject of importance to the honour or rights which he was intrusted to maintain. But in the case before us, where can we find sufficient reason for speaking of the restriction of authority as being unknown if the authority was known? There does not appear to have been any restriction, except what was inherent in the nature of the authority. The same despatch, the letter of instruction, gave the authority and defined the extent. In the nature of the thing, the minister could not have more authority than was given to him; and he neither was nor could be authorized to act beyond the extent of his authority.—How then, in this case, is it possible to separate the authority from what is called the restriction? If, therefore, the negotiation has been concluded according to the principles of public law, the evidence of the authority, such as it existed and appeared in fact, neither more nor less, can be produced. Unless there be some evidence of a distinct authority ostensibly competent to the arrangement, where is the propriety of insisting on explanations as if there had been apparent authority? Explanation is obviously due where the minister has exhibited a competent full power on the faith of which an arrangement has been concluded, if his government disavows the arrangement because of departure from instructions on points important to the government. The violation of instructions, and the importance of the matters respecting which they have been violated, constitute the basis of the proper explanation, to which may be added proper compensation for the failure, with due attention to the time and manner of making the explanation.

The case of the arrangement with Mr. Erskine has sometimes been compared to that of the treaty signed at London on the 31st of December, 1806, by Messrs. Monroe and Pinkney. But the cases are material different. That negotiation was conducted with observable propriety and decorum by the negotiators of each party. Perhaps no case is to be found in which the respective ministers insisted with more firmness and perseverance on the claims, interests, and pretensions of their own governments, and yet preserved towards each other so much decorum and honourable attention in their official and personal communications. Although Messrs. Monroe and Pinkney had full powers for the negotiation, they had instructions separate from those general powers, and by these instructions they were restricted according to the specified terms. In acceding to the articles as they believed expedient under the existing circumstances, they gave notice to the British plenipotentiaries, that they proceeded to the signature of the treaty on their own responsibility, and that the letter of their instructions did not warrant the arrangement in the manner in which it was made; although they believed the essential objects of their instructions to be attained in substance for practical benefit to the United States, and accordingly they trusted that the terms would be approved by our government.

The British government had not just cause to complain and insist on formal explanations merely because the treaty was disavowed in this country, although the full powers of Messrs. Monroe and Pinkney on the part of the United States, were exhibited and appeared competent; for the restriction contained in the instructions had been fairly communicated to the British plenipotentiaries. Accordingly the British secretary of state, afterwards in his official note, stating the King's acquiescence in the President's refusal to ratify the treaty, did not complain on that account; but he adverted to the failure of conforming to instructions as a matter between the American government and its Commissioners.

On the subject of that treaty, however, there is another inquiry which concerns ourselves, and on which the British government can have no right to say any thing; for it is not their concern, but ours exclusively.—The inquiry is, whether the treaty was not of so much importance, concluded after so much discussion, and by such persons, and under such circumstances, that it should have been submitted to the Senate, who might have advised its ratification unconditionally or on condition of such modifications as, after full deliberation, might be judged best for the United States? Whether the affairs of the country have not since been changing from bad to worse, instead of securing more beneficial terms or any terms whatever?

With a view to the general subject of letters of credence, and the distinct authority of public ministers, I will now refer to examples in the history of our own government, without detaining you by citations from the works of foreign writers on public law.

The first authority to which I now refer, is the authority of President Madison as President of the United States. I propose to shew, that prior to the present session of Congress he believed it proper that a public minister plenipotentiary having letters of credence should also have a distinct authority to enable him to stipulate in behalf of his government. With this view I refer to the Message from the President of the United States at the commencement of the last session of Congress. In that Message, there is a clause relative to the purport of certain instructions to our ministers at London and Paris; and then immediately follow the expressions which I will now read.

Soon after these instructions were dispatched, it was found that the British Government, anticipating, from early proceedings of Congress at their last session, the state of our

laws, which has had the effect of placing the two belligerent powers on a footing of equal restrictions, and relying on the conciliatory disposition of the United States, had transmitted to their legation here, provisional instructions, not only to offer satisfaction for the attack on the frigate Chesapeake, and to make known the determination of his Britannic Majesty to send an Envoy Extraordinary with powers to conclude a treaty on all the points between the two countries; but, moreover, to signify his willingness, in the mean time, to withdraw his Orders in Council, in the persuasion that the intercourse with Great Britain would be renewed on the part of the United States.

These steps of the British government led to the correspondence and the proclamation now laid before you; by virtue of which, the commerce between the two countries will be renewable after the tenth day of June next.

The language here is direct as to the fact stated. The fact is mentioned as being unquestionably ascertained, as being discovered and known to the administration, although perhaps not to the great body of the community, as being known after examination. A mode of expression such as is observable in the message would be of strong import in cases where persons are bound by oath or affirmation to declare the truth of fact according to evidence. On reviewing the statement communicated to Congress by the President, we extract this sentiment distinctly—it was found that the British government had transmitted to their legation here, provisional instructions to signify the willingness of his Britannic Majesty to withdraw his orders in council, in the persuasion that the intercourse with Great Britain would be renewed on the part of the United States; and the steps of the British government led to the correspondence and proclamation laid before Congress. Why should the expressions have been so direct and explicit as to the provisional instructions and their import, if no distinct authority was necessary to give validity to the provisional arrangement? In the proclamation, the Hon. David Montague Erskine, his Britannic Majesty's envoy extraordinary and minister plenipotentiary, is stated to have made the specified declaration by the order and in the name of his sovereign. If the letter of credence were believed sufficient to enable the minister to stipulate for his government, would the statement have been made so distinctly, mentioning the transmitted instructions, the steps of the British government, the declaration of the minister by the order of his sovereign? The President in the full belief of the statement would of course believe the arrangement to have been validly concluded. But from that message of the President, may not we justly deduce the inference—a letter of credence does not enable a minister to make stipulations obligatory on the government from which he is accredited.

[For the Remainder see 2d Page.]

William Engs & Son,

No. 170 THAMES STREET.
HAVE just received their Fall supply of HARDWARE GOODS, which together with their former stock, makes their Assortment unusually extensive, comprising all the Articles generally found in a Hardware Store. They have for sale as usual, a large Assortment of Nails, best English, German and American, Steel, Sheet Lead, Sheet Iron, Drafs Kettles, &c. &c. Newport, Nov. 24, 1809.

Feather Beds & Feathers.

LIVE Geese, Geese and Fowl FEATHERS, kept constantly for sale by ABRAHAM BARKER, No. 1 Charles-street. Newport, Jan. 4, 1810.

NOTICE.

A DIVIDEND of Two Dollars on a Share, will be paid to the Stockholders of the RHODE-ISLAND INSURANCE COMPANY, on MONDAY, the 8th inst. at the NEWPORT BANK.

JOHN R. SHEARMAN, Sec'y. Newport, Jan. 6, 1810.

To be sold at PUBLIC AUCTION, On MONDAY the 25th of April next, at X o'clock A. M. on the premises, unless previously disposed of at private sale.

FIFTEEN Lots of LAND, situated on Mill-street.—For further particulars and terms, apply to

CHRISTIANA BANISTER, JOHN BANISTER. Newport, Jan. 5, 1810.

SAMUEL F. GARDNER,

Inform his Friends and the public in general, THAT he has removed his Store of Goods from No. 6, Market-square, to No. 107, Thames-street, next north of Mr. Wm. Crooke's, where he offers for sale at the lowest cash prices, a general assortment of GROCERIES and DRY GOODS, wholesale and retail.—Punctual attendance given, and every favor in the line of his business gratefully acknowledged. Newport, Jan. 5, 1810.

TO LET,

And possession given the 15th of April next. THAT large and pleasant HOUSE, No. 14, Bridge-street, bounded west on Second-street, occupied at present by Mr. John P. Townsend. Said House is very convenient, and is supplied with the fountain water. It has also sufficient yard room and a garden, on which stands a stable, with every other convenience for a family. For terms, apply to

CHARLES FEKE. Newport, Jan. 5, 1810.

TO LET,

And immediate possession given. THE Dwelling-House, No. 17, Bridge-street, lately occupied by Capt. Bennett; very convenient for a small family.—For terms, apply to SOLOMON TOWNSEND, & Co. Newport, Jan. 5, 1810.

Lopez & Dexter,

Offer at Private Sale.

189 Bags, } COFFEE.
4 Hogheads, }
15 Barrels, }
Hyson, Young Hyson, Hyson-skin, Senchong, }
Campoy and Bohea Teas.
89 Boxes white, } HAVANNA SUGARS.
41 do. brown, }
67 Bales Upland Cotton
26 Hogheads Kentucky Tobacco.
Madeira, Tenerife and Lisbon Wines.
150 Boxes Raisins.
5 Ceroons Peruvian Bark.
A few Pipes choice Spanish Brandy.
Cash advanced on Goods consigned.
Newport, Dec. 28, 1809.

CALCUTTA GOODS.

Just received and for Sale by LOPEZ & DEXTER, 27 Bales Calcutta GOODS. Consisting of Gurrals, Junnabs Mamoodies, Baftas, Malmoodies, Mocca Sannahs, Checks, Gilla Handkerchiefs, Cucka Stripes, &c. A L S O, 3 Bales assorted coloured Broadcloths, Cotton Shirtings, Calicoes, Pelice Cloths, Bombazetts, Umbrellas, Durroys, Threads, &c. &c. Newport, Dec. 28, 1809.

WANTED, EXCHANGE on LONDON.—Apply to LOPEZ & DEXTER. Newport, Dec. 29, 1809.

NOTICE.

NOTICE is hereby given, That a Meeting of the RHODE-ISLAND COAL COMPANY, will be held at their room in PERKINS NICHOLS Store, in State-street in Boston, (Mass) on TUESDAY, the 16th day of January, 1810, at 4 o'clock P. M. for the following purposes, viz:—

- 1st. To choose a Proprietor's clerk or clerks.
- 2d. To establish the mode of calling future meetings, and the place or places in which such meetings shall be held.
- 3d. To determine whether the Proprietors will add or amend the bye laws, and whether they will invest the Directors with new powers, as they are authorized to do, by the supplementary Act of incorporation.
- 4th. To receive a report of the Directors relative to the concerns of the Company, and to make such order thereon as shall appear advisable.

PERKINS NICHOLS, Prop's Clerk. Dec. 28, 1809.

MICHAEL FREEBORN, & Co Have for sale at their store on Job Shearman's Wharf, wholesale and retail.

1500 wt. excellent Butter : 500 wt. Vermont Cheese : 100 wt. Hogs Lard : 50 bushels white Beans : 40 do. dried Apples : 25 barrels Cyder : 1 barrel of Honey : 200 wt. Candles : Lamp Oil : and a quantity of Boards. Newport, Dec. 30, 1809.

RUSSIA & RAVENS DUCK.

RUSSIA and RAVENS' DUCK, for Sale by C. COOK. Newport, Jan. 4, 1810.

FOR SALE,

THE fast-sailing ship RAPID, burthen 366 Tons 64 feet, carries a large cargo, built in the most faithful manner and of the best materials, has made but one voyage, is six feet between decks, over twelve feet in her hold, fitted and found in an extraordinary manner; for a view of which, and other particulars, apply to C. COOK, C. GYLES. Newport Dec. 22, 1809.

FOR SALE,

THE Ship EAGLE, burthen 203 Tons, two decks, as she has just returned from sea, and is now lying at Gyles's Wharf.—For further particulars and terms apply to CHARLES GYLES. Newport Dec. 1, 1809.

To be sold at PUBLIC AUCTION

On MONDAY, the 5th day of February, 1810, at 3 o'clock P. M. on the premises.

ALL the right, title and interest, that Joseph Boss, late of Newport, deceased, had in the following ESTATES, at the time of his decease, viz:—

A Lot of Land situated on Easton's Point, in Newport, with a Dwelling-House thereon, bounded fifty feet on Washington-street and one hundred feet on Elm-street.

A Lot of Land on said Easton's Point, with a Dwelling-House thereon, bounded fifty feet on Washington-street, and one hundred feet on Bridge-street.

A Lot of Land on said Easton's Point, with a Dwelling-House thereon, bounded one hundred feet on Bridge-street, and 150 feet on Second-street.—All which Estates are subject to the payment of an annual quit-rent.

Said Estates are to be sold by virtue of a decree of the Supreme Judicial Court, and under the direction of the Court of Probate of the Town of Newport, for the purpose of paying the debts due from the estate of the said Joseph Boss.

The Conditions and terms of payment will be made known at the time and place of Sale. JOHN L. BOSS, Adm'r. Newport, Dec. 22, 1809.

Godfrey Wenwood,

HAS FOR SALE,

On the most reasonable Terms. A QUANTITY of Ship and Cabin Bread: Alexandria and New-York Flour of the first quality: Molasses by the gallon, coarse and blown Salt by the bushel; Ginger and Pearl-Ash by retail.—Also Myrtle Tyle by the dozen, and Philadelphia Bricks by the hundred. Hops by the pound: Malt by the bushel or smaller quantity: Wheat Bran by the bushel; Coal by the bushel.—Also, A quantity of Bricks and Tile, made of Pipe Clay, suitable for Ovens. Newport December 31, 1808.

Muffs & Tippetts.

P. O. Richmond,

HAS just received a very elegant Assortment of Muffs and Tippetts and Hagle Tippetts without Muffs; consisting of elk, martin, polecat, bear, german martin and sable, of different sizes and prices, some of a very superior quality.—Also, An additional assortment of India Cottons, flannels, broadcloths, rose blankets, black, bottle green, and scarlet bombazetts, with a variety of other articles in demand, which will be sold remarkably cheap. Newport, Nov. 10, 1809.

Sarah Sands, & Co.

Inform their Friends and the Public, THAT they have just received from New-York, a handsome assortment of Fancy Goods, among which are the following:—Black, white and figured raves. Elegant lace Caps and Handkerchiefs. Mullin and Leno Dittos. Lace Veils, and black and white silk lace sleeves Plain and figured Cotton Dittos. Black, white & colour'd long and short kid Gloves. A handsome assortment of Ribbons. Cords and Tassels, and flots Trimmings. Feathers and Artificial Flowers. India, book and mul mul Muffins. Imitation Shawls. Velvet Bonnets of the latest fashions. Newport, Nov. 24, 1809.

Fancy Goods.

William S. Nichols,

GOLD-SMITH & JEWELLER, HAS just received in addition to his former stock, a variety of the most fashionable FANCY GOODS, which from price and quality cannot fail to suit purchasers. Newport, Nov. 24, 1809.

NOTICE.

THE Subscriber having been duly appointed sole Executor of the last Will and Testament of GEORGE CHAMPLIN, of Newport, Merchant, deceased, and having given bonds according to law, for the faithful discharge of the trust thereby committed to him, requests all persons who are indebted to the estate of the testator, to make immediate payment, and those who have any demands against it, to exhibit them to him.

CHRISTOPHER G. CHAMPLIN, Executor. Newport, Rhode-Island, Dec. 15, 1809.

FARMS to LET.

THE SUBSCRIBER contemplating a removal to this Place, offers to Lease his Estate in South-Kingstown & Richmond, on reasonable terms, and in such divisions as shall best suit those who may hire. Application may be made either to Mr. JOSEPH BARCOCK, living near the premises, or to W. MARCHANT, in Newport.

Who has for Sale, at low prices and liberal credit, with security, a variety of NEAT STOCK and FARMING UTENSILS. Newport, Dec. 12, 1809.

TWO HOUSES to LET.

THE HOUSE No. 212 Thames-Street, being lately put in excellent repair, having five rooms on a floor and situated in a pleasant part of the Town.—Also, The House, No. 202 in the same street, at present occupied by Mr. Horatio S. Dexter.—Persons wishing to hire either of the above Houses, may know the terms by applying to HENRY BULL, at his Store next door North of the Coffee-House. Newport, Sept. 1, 1809.

FOR SALE,

TWO Lots of Land, pleasantly situated at the head of Broad-street adjoining each other containing 250 feet front and 70 feet rear with a large two-story new building there on fronting the head of Broad-street.—The building has been occupied as a Coach-maker's shop and is well calculated for a Dwelling-House and with a small expence may be made a beautiful situation.—On one of the Lots is a good well of water.—Also for Sale Three good Chaises with round and square tops and one Gig all with plated harnesses.—Also Two excellent Chaise Horses.—The above may be bought very cheap.—For terms apply to ISAAC STALL. Newport October 20 1809.

TO LET,

And immediate possession given. THE DWELLING HOUSE, No. 32, Washington-Street, having four rooms on a floor, and situated in a very pleasant part of the town.—The House has every convenience, having a good cellar, a well of water in the yard, and is in good repair.—For terms, &c. enquire at the Office of the Newport Mercury. Newport, Dec. 1; 1809.

STOVE PIPES,

OF TIN, or Sheet IRON of any length or size, made by the Subscriber, at his Shop, one door west of Messrs. J. Munroe & Co's Grocery Store.—Also, Tin Ware for sale, as cheap as can be purchased in this state. The smallest favour gratefully acknowledged.

N. B. Cash given for old Pewter and Lead. NATHANIEL NASON. Newport Oct. 25, 1809.

Abraham & George Tilley,

HAVE for Sale at their ROPE STORE, No. 90 Thames-street, 3 doors south of Market-square, by wholesale and retail, Cordage from 4-2 inch to 6 thread ratling, bolt-rope, worming, spun yarn, marine house line, white rope, lead, log and cod lines, bed cords, sewing and seine twine, small fishing lines &c.—Also for sale, 10 or 12 cwt. of Swede's square and flat bar Iron cheap for cash.—Also, An Assortment of Groceries at retail.—Cordage and Cables of any dimension made at short notice and warranted equal to any in the United States.—From the convenience of having a Rope Store to near the shipping where may be had at all times, an Assortment of Rigging, as cheap as can be bought in this town, they flatter themselves that they will meet the encouragement of the public in general. Newport, August 12, 1809.

(Continued from the first page.)

how to proceed and on what he might conclude. And when he has restrictive instructions for his own direction, and a full power to be exhibited to the government with which the negotiation is had, if he departs from the instructions, his own government, notwithstanding the formal plenitude of his power, is considered as not bound to ratify his acts, especially if he has departed from his instructions on a subject of importance to the honour or rights which he was instructed to maintain. But in the case before us, where can we find sufficient reason for speaking of the restriction of authority as being unknown if the authority was known? There does not appear to have been any restriction, except what was inherent in the nature of the authority. The same despatch, the letter of instruction, gave the authority and defined the extent. In the nature of the thing, the minister could not have more authority than was given to him; and he neither was nor could be authorized to act beyond the extent of his authority.—How then, in this case, is it possible to separate the authority from what is called the restriction? If, therefore, the negotiation has been concluded according to the principles of public law, the evidence of the authority, such as it existed and appeared in fact, neither more nor less, can be produced. Unless there be some evidence of a distinct authority ostensibly competent to the arrangement, where is the propriety of insisting on explanations as if there had been apparent authority? Explanation is obviously due where the minister has exhibited a competent full power on the faith of which an arrangement has been concluded, if his government disavows the arrangement because of departure from instructions on points important to the government. The violation of instructions, and the importance of the matters respecting which they have been violated, constitute the basis of the proper explanation, to which may be added proper compensation for the failure, with due attention to the time and manner of making the explanation.

The case of the arrangement with Mr. Erskine has sometimes been compared to that of the treaty signed at London on the 31st of December, 1806, by Messrs. Monroe and Pinkney. But the cases are material different. That negotiation was conducted with observable propriety and decorum by the negotiators of each party. Perhaps no case is to be found in which the respective ministers insisted with more firmness and perseverance on the claims, interests, and pretensions of their own governments, and yet preserved towards each other so much decorum and honourable attention in their official and personal communications. Although Messrs. Monroe and Pinkney had full powers for the negotiation, they had instructions separate from those general powers, and by these instructions they were restricted according to the specified terms. In acceding to the articles as they believed expedient under the existing circumstances, they gave notice to the British plenipotentiaries, that they proceeded to the signature of the treaty on their own responsibility, and that the letter of their instructions did not warrant the arrangement in the manner in which it was made; although they believed the essential objects of their instructions to be attained in substance for practical benefit to the United States, and accordingly they trusted that the terms would be approved by our government.

The British government had not just cause to complain and insist on formal explanations merely because the treaty was disavowed in this country, although the full powers of Messrs. Monroe and Pinkney on the part of the United States, were exhibited and appeared competent; for the restriction contained in the instructions had been fairly communicated to the British plenipotentiaries. Accordingly the British secretary of state, afterwards in his official note, stating the King's acquiescence in the President's refusal to ratify the treaty, did not complain on that account; but he adverted to the failure of conforming to instructions as a matter between the American government and its Commissioners.

On the subject of that treaty, however, there is another inquiry which concerns ourselves, and on which the British government can have no right to lay any thing; for it is not their concern, but ours exclusively.—The inquiry is, whether the treaty was not of so much importance, concluded after so much discussion, and by such persons, and under such circumstances, that it should have been submitted to the Senate, who might have advised its ratification unconditionally or on condition of such modifications as, after full deliberation, might be judged best for the United States? Whether the affairs of the country have not since been changing from bad to worse, instead of securing more beneficial terms or any terms whatever?

With a view to the general subject of letters of credence, and the distinct authority of public ministers, I will now refer to examples in the history of our own government, without detaining you by citations from the works of foreign writers on public law.

The first authority to which I now refer, is the authority of President Madison as President of the United States. I propose to shew, that prior to the present session of Congress he believed it proper that a public minister plenipotentiary having letters of credence should also have a distinct authority to enable him to stipulate in behalf of his government. With this view I refer to the Message from the President of the United States at the commencement of the last session of Congress. In that Message, there is a clause relative to the purport of certain instructions to our ministers at London and Paris; and then immediately follow the expressions which I will now read.

"Soon after these instructions were dispatched, it was found that the British Government, anticipating from early proceedings of Congress at their last session, the state of our

laws, which has had the effect of placing the two belligerent powers on a footing of equal restrictions, and relying on the conciliatory disposition of the United States, had transmitted to their legation here, provisional instructions, not only to offer satisfaction for the attack on the frigate Chesapeake, and to make known the determination of his Britannic Majesty to send an Envoy Extraordinary with powers to conclude a treaty on all the points between the two countries; but, moreover, to signify his willingness, in the mean time, to withdraw his Orders in Council, in the persuasion that the intercourse with Great Britain would be renewed on the part of the United States.

"These steps of the British government led to the correspondence and the proclamation now laid before you; by virtue of which, the commerce between the two countries will be renewable after the tenth day of June next."

The language here is direct as to the fact stated. The fact is mentioned as being unquestionably ascertained, as being discovered and known to the administration, although perhaps not to the great body of the community, as being known after examination. A mode of expression such as is observable in the message would be of strong import in cases where persons are bound by oath or affirmation to declare the truth of fact according to evidence. On reviewing the statement communicated to Congress by the President, we extract this sentiment distinctly—it was found that the British government had transmitted to their legation here, provisional instructions to signify the willingness of his Britannic Majesty to withdraw his orders in council, in the persuasion that the intercourse with Great Britain would be renewed on the part of the United States; and the steps of the British government led to the correspondence and proclamation laid before Congress. Why should the expressions have been so direct and explicit as to the provisional instructions and their import, if no distinct authority was necessary to give validity to the provisional arrangement? In the proclamation, the Hon. David Montague Erskine, his Britannic Majesty's envoy extraordinary and minister plenipotentiary, is stated to have made the specified declaration by the order and in the name of his sovereign. If the letter of credence were believed sufficient to enable the minister to stipulate for his government, would the statement have been made so distinctly, mentioning the transmitted instructions, the steps of the British government, the declaration of the minister by the order of his sovereign? The President in the full belief of the statement would of course believe the arrangement to have been validly concluded. But from that message of the President, may not we justly deduce the inference—a letter of credence does not enable a minister to make stipulations obligatory on the government from which he is accredited.

[For the Remainder see 2d Page.]

William Engs & Son,

No. 170 THAMES-STREET.

HAVE just received their Fall supply of HARDWARE GOODS, which together with their former stock, makes their Assortment unusually extensive, comprising all the Articles generally found in a Hardware Store. They have for sale as usual, a large Assortment of Nails, best English, German and American. Steel, sheet Lead, sheet Iron, Brass Kettles, &c. &c. Newport, Nov. 24, 1809.

Feather Beds & Feathers.

LIVE Geese, Geese and Fowl FEATHERS, kept constantly for sale by ABRAHAM BARKER, No. 1 Charles-street.

Newport, Jan. 4, 1810.

NOTICE.

A DIVIDEND of Two Dollars on a Share, will be paid to the Stockholders of the RHODE-ISLAND INSURANCE COMPANY, on MONDAY, the 8th inst. at the NEWPORT BANK.

JOHN R. SHEARMAN, Sec'y. Newport, Jan. 6, 1810.

To be sold at PUBLIC AUCTION, On MONDAY the 24th of April next, at 10 o'clock A. M. on the premises, unless previously disposed of at private sale.

FIFTEEN Lots of LAND, situated on Mill-street.—For further particulars and terms, apply to

CHRISTIANA BANISTER, JOHN BANISTER.

Newport, Jan. 5, 1810.

SAMUEL F. GARDNER,

Inform his Friends and the public in general, THAT he has removed his Store of Goods from No. 6, Market-square, to No. 107, Thames-street, next north of Mr. Wm. Crooke's, where he offers for sale at the lowest cash prices, a general assortment of GROCERIES and DRY GOODS, wholesale and retail.—Punctual attendance given, and every favor in the line of his business gratefully acknowledged.

Newport, Jan. 5, 1810.

TO LET,

And possession given the 15th of April next. THAT large and pleasant HOUSE, No. 14, Bridge-street, bounded west on Second-street, occupied at present by Mr. John P. Townsend. Said House is very convenient, and is supplied with the fountain water. It has also sufficient yard room and a garden, on which stands a stable, with every other convenience for a family. For terms, apply to

CHARLES FEKE.

Newport, Jan. 5, 1810.

TO LET,

And immediate possession given. THE Dwelling-House, No. 17, Bridge-street, lately occupied by Capt. Bennett; very convenient for a small family.—For terms, apply to

SOLOMON TOWNSEND, & Co.

Newport, Jan. 5, 1810.

Lopez & Dexter,

Offer at Private Sale.

189 Bags, } COFFEE.
4 Hogheads, }
15 Barrels, }
Hyson, Young Hyson, Hyson-Skin, Senchong, Campoy and Bohea Teas.
89 Boxes white, } HAVANNA SUGARS.
41 do. brown, }
67 Bales Upland Cotton
26 Hogheads: Kentucky Tobacco.
Madeira, Tenerife and Lisbon Wines.
150 Boxes Raisins.
5 Ceroons Peruvian Bark.
A few Pipes choice Spanish Brandy.
Cash advanced on Goods consigned.
Newport, Dec. 28, 1809.

CALCUTTA GOODS.

Just received and for Sale by LOPEZ & DEXTER,

27 Bales Calcutta GOODS. Consisting of Gurrahs, Junnabs Mamoodies, Baftas, Maimoodies, Mocca Sannahs, Checks, Gilla Handkerchiefs, Cucka Stripes, &c. A L S O, 3 Bales assorted coloured Broadcloths, Cotton Shirtings, Calicoes, Pelice Cloths, Bombazetts, Umbrellas, Durroys, Threads, &c. &c. Newport, Dec. 28, 1809.

WANTED, EXCHANGE on LONDON.—Apply to

LOPEZ & DEXTER.

Newport, Dec. 29, 1809.

NOTICE.

NOTICE is hereby given, That a Meeting of the RHODE-ISLAND COAL COMPANY, will be held at their room in PERKINS NICHOLS Store, in State-street in Boston, (Mass) on TUESDAY, the 16th day of January, 1810, at 4 o'clock P. M. for the following purposes, viz:—

- 1st. To choose a Proprietor's clerk or clerks.
- 2d. To establish the mode of calling future meetings, and the place or places in which such meetings shall be held.
- 3d. To determine whether the Proprietors will add or amend the bye laws, and whether they will invest the Directors with new powers, as they are authorized to do, by the supplementary A. & of incorporation.
- 4th. To receive a report of the Directors relative to the concerns of the Company, and to make such order thereon as shall appear advisable.

PERKINS NICHOLS, Prop's Clerk.

Dec. 28, 1809.

MICHAEL FREEBORN, & Co Have for sale at their store on Job Shearman's Wharf, wholesale and retail.

1500 wt. excellent Butter : 500 wt. Vermont Cheese : 100 wt. Hogs Lard : 50 bushels white Beans : 40 do. dried Apples : 25 barrels Cyder : 1 barrel of Honey : 200 wt. Candles : Lamp Oil : and a quantity of Boards.

Newport, Dec. 30, 1809.

RUSSIA & RAVENS DUCK.

RUSSIA and RAVENS' DUCK, for Sale by C. COOK. Newport, Jan. 4, 1810.

FOR SALE,

THE fast-sailing ship RAPID, burthen 366 Tons 64 feet, carries a large cargo, built in the most faithful manner and of the best materials, has made but one voyage, is six feet between decks, over twelve feet in her hold, fitted and found in an extraordinary manner; for a view of which, and other particulars, apply to C. COOK. C. GYLES.

Newport Dec. 21, 1809.

FOR SALE,

THE Ship EAGLE, burthen 203 Tons, two decks, as she has just returned from sea, and is now lying at Gyles's Wharf.—For further particulars and terms apply to CHARLES GYLES.

Newport Dec. 1, 1809.

To be sold at PUBLIC AUCTION, On MONDAY, the 5th day of February, 1810, at 3 o'clock P. M. on the premises.

ALL the right, title and interest, that Joseph Boss, late of Newport, deceased, had in the following ESTATES, at the time of his decease, viz:—

A Lot of Land situated on Easton's Point, in Newport, with a Dwelling-House thereon, bounded fifty feet on Washington-street and one hundred feet on Elm-street.

A Lot of Land on said Easton's Point, with a Dwelling-House thereon, bounded fifty feet on Washington-street, and one hundred feet on Bridge-street.

A Lot of Land on said Easton's Point, with a Dwelling-House thereon, bounded one hundred feet on Bridge-street, and 150 feet on Second-street.—All which Estates are subject to the payment of an annual quit-rent.

Said Estates are to be sold by virtue of a decree of the Supreme Judicial Court, and under the direction of the Court of Probate of the Town of Newport, for the purpose of paying the debts due from the estate of the said Joseph Boss.

The Conditions and terms of payment will be made known at the time and place of Sale. JOHN L. BOSS, Adm'r.

Newport, Dec. 22, 1809.

Godfrey Wenwood,

HAS FOR SALE,

On the most reasonable Terms.

A QUANTITY of Ship and Cabin Bread; Alexandria and New-York Flour of the first quality; Molasses by the gallon; coarse and blown Salt by the bushel; Ginger and Pearl-Ash by retail.—Also Myrtle Tyle by the dozen, and Philadelphia Bricks by the hundred.

Hops by the pound; Malt by the bushel or smaller quantity; Wheat Bran by the bushel; Coal by the bushel.—Also, A quantity of Bricks and Tile, made of Pipe Clay, suitable for Ovens.

Newport December 31, 1808.

Muffs & Tippetts.

P. O. Richmond,

HAS just received a very elegant Assortment of Muffs and Tippetts, and single Tippetts without Muffs; consisting of elk, martin, polecat, bear, german martin and sable, of different sizes and prices, some of a very superior quality.—Also, An additional assortment of India Cottons, flannels, broadcloths, rose blankets, black, bottle green, and scarlet bombazetts, with a variety of other articles in demand, which will be sold remarkably cheap.

Newport, Nov. 10, 1809.

Sarah Sands, & Co.

Inform their Friends and the Public, THAT they have just received from New-York, a handsome assortment of FANCY GOODS, among which are the following:—Black, white and figured rases. Elegant lace Caps and Handkerchiefs. Muffin and Leno Dittos. Lace Veils, and black and white silk lace sleeves. Plain and figured Cotton Dittos. Black, white & colour'd long and short kid Gloves. A handsome assortment of Ribbons. Cords and Tassels, and Hosiery Trimmings. Feathers and Artificial Flowers. India, book and mul mul Muffins. Imitation Shawls. Velvet Bonnets of the latest fashions.

Newport, Nov. 24, 1809.

Fancy Goods.

William S. Nichols,

GOLD-SMITH & JEWELLER.

HAS just received in addition to his former stock, a variety of the most fashionable FANCY GOODS, which from price and quality cannot fail to suit purchasers.

Newport, Nov. 24, 1809.

NOTICE.

THE Subscriber having been duly appointed sole Executor of the last Will and Testament of GEORGE CHAMPLIN, of Newport, Merchant, deceased, and having given bonds according to law, for the faithful discharge of the trust thereby committed to him, requests all persons who are indebted to the estate of the testator, to make immediate payment, and those who have any demands against it, to exhibit them to him.

CHRISTOPHER G. CHAMPLIN, Executor. Newport, Rhode-Island, Dec. 15, 1809.

FARMS TO LET.

THE SUBSCRIBER contemplating a REMOVAL to this Place, offers to Lease his Estate in South Kingstown & Richmond, on reasonable terms, and in such divisions as shall best suit those who may hire. Application may be made either to Mr. JOSEPH BABCOCK, living near the premises, or to

W. MARCHANT, in Newport. Who has for Sale, at low prices and liberal credit, with security, a variety of NEAT STOCK and FARMING UTENSILS.

Newport, Dec. 12, 1809.

TWO HOUSES TO LET.

THE HOUSE No. 212 Thames-Street, being lately put in excellent repair, having five rooms on a floor and situated in a pleasant part of the Town.—Also, The House, No. 202 in the same street, at present occupied by Mr. Horatio S. Dexter.—Persons wishing to hire either of the above Houses, may know the terms by applying to HENRY BULL, at his Store next door North of the Coffee-House.

Newport, Sept. 1, 1809.

FOR SALE,

TWO Lots of Land, pleasantly situated at the head of Broad-street adjoining each other containing 250 feet front and 70 feet rear with a large two-story new building thereon fronting the head of Broad-street.—The building has been occupied as a Coach-maker's shop and is well calculated for a Dwelling-House and with a small expense may be made a beautiful situation.—On one of the Lots is a good well of water.—Also for Sale Three good Chaises with round and square tops and one Gig all with plated harnesses; Also Two excellent Chaise Horses.—The above may be bought very cheap.—For terms apply to

ISAAC STALL.

Newport October 20, 1809.

TO LET,

And immediate possession given. THE DWELLING HOUSE, No. 32, Washington-Street, having four rooms on a floor, and situated in a very pleasant part of the town.—The House has every convenience, having a good cellar, a well of water in the yard, and is in good repair.—For terms, &c. enquire at the Office of the Newport Mercury.

Newport, Dec. 1; 1809.

STOVE PIPES,

OF TIN, or sheet IRON of any length or size, made by the Subscriber, at his Shop, one door west of Messrs. J. Munroe & Co's Grocery Store.—Also, Tin Ware for sale, as cheap as can be purchased in this state. The smallest favour gratefully acknowledged.

N. B. Cash given for old Pewter and Lead.

NATHANIEL NASON.

Newport Oct. 26, 1809.

Abraham & George Tilley,

HAVE for Sale at their ROPE STORE, No. 90 Thames-street, 3 doors south of Market-square, by wholesale and retail, Cordage from 4-5 inch to 6 thread ratling, bolt rope, worming, spun yarn, marline house line, white rope, lead, log and cod lines, bed cords; sewing and seine twine, small fishing lines &c.—Also for sale, 10 or 12 cwt. of Swede's square and flat bar Iron cheap for cash.—Also, An Assortment of Groceries at retail.—Cordage and Cables of any dimension made at short notice and warranted equal to any in the United States.—From the convenience of having a Rope Store so near the shipping where may be had at all times, an Assortment of Rigging, as cheap as can be bought in this town, they flatter themselves that they shall meet the encouragement of the public in general.

Newport, August 12, 1809.